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# SESSION LAWS

OF

# HAWAII

PASSED BY THE

## FIRST STATE LEGISLATURE

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## FIRST SPECIAL SESSION

## 1959

Convened on Monday, August 31, and
Adjourned Sine Die on Thursday, October 22

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## SECOND SPECIAL SESSION

## 1959

Convened on Monday, November 9, and
Adjourned Sine Die on Saturday, November 14

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Published by Authority of the
Revisor of Statutes
Honolulu, Hawaii

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1960

# AUTHORITY

**Section 4, Act 191, Session Laws of Hawaii 1959, Provides as Follows:**

**Section 4. Publishing of session laws.** As soon as possible after the close of each session of the legislature, the revisor shall prepare for publication all laws duly enacted at such session, arranged, first the bills and then joint resolutions, in the order of their becoming law, together with a suitable index and tables showing what general statutes have been affected by such session laws.

**Section 1-3, Revised Laws of Hawaii 1955, Provides as Follows:**

**Section 1-3. Certain laws not obligatory until published.** No written law, unless otherwise specifically provided by legislative enactment, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, shall be obligatory without first being printed and made public. General or special appropriation acts, loan fund acts, pension acts and franchise acts whether affecting territorial funds or the funds of county or other municipal subdivisions or commissions, shall become operative according to their respective terms merely by being passed and approved in the manner provided by sections 44 to 54, inclusive, of the Organic Act without the necessity of any other promulgation than the ultimate inclusion thereof in the bound volume of respective session laws as provided in section 69 of the Organic Act.

## CERTIFICATE

I, Hidehiko Uyenoyama, Revisor of Statutes of the State of Hawaii, certify that the Acts of the First Legislature of the State of Hawaii passed at its First and Second Special Sessions of 1959 set forth herein have been compared with the enrolled copies thereof deposited in the office of the Lieutenant Governor of Hawaii and that they appear to be correctly printed.

The misspellings, punctuation mistakes and other errors appearing in this volume have been so reproduced to conform to the original Acts of the First Legislature.

HIDEHIKO UYENOYAMA
Revisor of Statutes

January 28, 1960
Honolulu, Hawaii

# STATE OF HAWAII
# ELECTED OFFICIALS AND LEGISLATIVE OFFICERS

## UNITED STATES CONGRESS

Senate:
Hiram L. Fong
Oren E. Long

House of Representatives:
Daniel K. Inouye

## STATE EXECUTIVE OFFICERS

Governor of Hawaii ..... William F. Quinn
Lieutenant Governor ..... James K. Kealoha

## OFFICERS AND MEMBERS OF THE FIRST STATE LEGISLATURE FIRST AND SECOND SPECIAL SESSIONS 1959

## SENATE

President ..... William H. Hill
Vice-President ..... Hebden Porteus
Clerk ..... Walter G. Chuck

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Nelson K. Doi (D)
William H. Hill (R)
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John T. Ushijima (D)

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Steere G. Noda (D)

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Matsuki Arashiro (D)
Francis M. F. Ching (R)
Noboru Miyake (R)

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Vice-Speaker ..... Manuel S. Henriques
Clerk ..... Herman T. F. Lum

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Sixth District (Lanai, Molokai)
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Abel Medeiros (R)

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# Session Laws Of Hawaii

# Passed By The

# First State Legislature

# First Special Session

# 1959

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## ACT 1

An Act Appropriating Money for the Expenses of the First State Legislature of the State of Hawaii, for the Expenses of Any Holdover Committee or Committees of the Legislature for the Period Herein Specified, and Removing Any Limitations Imposed by Section 5-16 of the Revised Laws of Hawaii 1955, as Amended, or Any Other General Statute.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. There is hereby appropriated from the general revenues of the State the sum of $300,000 or so much thereof as may be necessary, for defraying the expenses of the Senate of the First State Legislature of the State of Hawaii, up to and including February 16, 1960.

SECTION 2. There is hereby appropriated from the general revenues of the State the sum of $470,000 or so much thereof as may be necessary, for defraying the expenses of the House of Representatives of the First State Legislature of the State of Hawaii, up to and including February 16, 1960.

SECTION 3. Any unencumbered balance of the appropriations provided for in sections 1 and 2 remaining at the close of the Special Session 1959 is hereby appropriated for defraying the expenses of any holdover or interim committee or committees established by the First State Legislature.

SECTION 4. The allowance payable under section 2-20, Revised Laws of Hawaii 1955, as amended, shall be payable from August 31, 1959.

SECTION 5. The comptroller of the State shall, prior to February 17, 1960, audit the accounts of the Senate and the House of Representatives of the Special Session of the First State Legislature of the State of Hawaii. Immediately upon the completion of the audit, a full report thereon shall be presented to the Senate and to the House of Representatives of the Legislature convening on February 17, 1960.

SECTION 6. The expenses of any member of the Legislature, while traveling abroad on official business of the Legislature, shall not be

limited by the provisions of section 5-16 of the Revised Laws of Hawaii 1955, as amended, or any other general statute. The expenses of such member shall be such as may be allowed by the Senate or by the House of Representatives, respectively.

SECTION 7. Each section of this Act is hereby declared to be severable from the remainder of this Act.

SECTION 8. This Act shall take effect upon its approval.

(Approved September 11, 1959.) **S.B. 34.**

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## ACT 2

An Act Amending Chapter 353, Revised Laws of Hawaii 1955, by Adding a New Section Providing for the Appointment, Tenure and Qualification of the Adjutant General of the State of Hawaii.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 353, Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new section to be numbered and to read as follows:

"**Sec. 353-14.5. Adjutant general; appointment, tenure, qualification.** The adjutant general shall be appointed and be subject to removal in the manner prescribed, and shall serve for the term set forth, in section 6, Article IV, of the Constitution.

The adjutant general shall be a citizen of this state and shall have been a resident of this state for at least three years next preceding his appointment. No person shall be eligible for appointment as adjutant general unless he holds or has held a commission of at least a field grade officer, federally recognized as such, or its equivalent in the national guard, state guard or other branch of the armed forces of this or any other state or territory of the United States, or in the armed forces of the United States or a reserve component thereof, and shall have served as a commissioned officer in one or more of such armed services for a total of not less than ten years."

SECTION 2. This Act shall take effect upon its approval.

(Approved October 17, 1959.) **S.B. 24.**

---

## ACT 3

An Act Authorizing the Director of Institutions or the Appropriate Officer and the Governor of the State of Hawaii and the Various Counties to Contract with the Director of the Bureau of Prisons or the Appropriate Officers of the United States for the Imprisonment, Subsistence, Care, and Proper Employment of Federal and Military Prisoners.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Authorization to director of institutions or the appropriate officer and the governor.** The director of institutions, or the ap-

propriate officer with the approval of the governor, is authorized for the state to enter into contracts with the director of the bureau of prisons or the appropriate officers of the United States for the imprisonment, subsistence, care, and proper employment of federal and military prisoners. He shall be vested with such functions, powers, and duties which are necessary to carry out the foregoing purpose.

SECTION 2. **Authorization to chiefs of police or the appropriate officer and the executive officers of the counties.** The chiefs of police or the appropriate officer for the various counties, with the approval of the executive officer of their respective counties, are authorized for the counties to enter into contracts with the director of the bureau of prisons or the appropriate officers of the United States for the imprisonment, subsistence, care and proper employment of federal and military prisoners. They shall be vested with such functions, powers and duties which are necessary to carry out the foregoing purpose.

SECTION 3. **Validity of existing contracts.** All existing contracts with the federal government relating to imprisonment, subsistence, care, and proper employment of federal and military prisoners are hereby ratified by the state and shall continue in effect until they expire by their own terms. This Act shall not be construed to invalidate such contracts.

SECTION 4. This Act shall take effect upon approval but shall not affect existing contracts dealing with the same subject matter.

(Approved November 12, 1959.) **S.B. 5.**

---

## ACT 4

A Bill Re-enacting the Provisions of Act 215, Session Laws of Hawaii 1959.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The compensation of the chief justice of the supreme court of the state of Hawaii shall be $22,500 per year. The compensation of the associate justices of the supreme court of the state of Hawaii shall be $22,000 per year.

SECTION 2. The compensation of the circuit court judges of the various circuit courts of the state of Hawaii shall be $19,000 per year.

SECTION 3. The sum of $59,000 or so much thereof as may be necessary is hereby appropriated from the general revenue of the State not otherwise appropriated for the purposes of this Act for the period August 21, 1959 to June 30, 1960.

SECTION 4. Act 215, Session Laws of Hawaii 1959 is hereby repealed.

SECTION 5. This Act shall take effect retroactively from August 21, 1959 upon its approval.

(Approved November 13, 1959.) **H.B. 175.**

## ACT 5

An Act Relating to the Courts.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 213 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) Section 213-2.5 is hereby added thereto and to read as follows:

"**Section 213-2.5. Public notice; nominations and interim appointments of judges.** Public notice of nominations and interim appointments of supreme court justices and circuit court judges, by the governor as required by Section 3 of Article V of the Constitution, shall be by publication, once, in a newspaper of general circulation; provided, that in the case of supreme court justices, the newspaper shall be one of general circulation in the State and in the case of circuit court judges, the newspaper shall be one of general circulation in the county which constitutes or is included in the circuit for which the nomination or appointment is made."

(b) Section 213-3 is hereby amended to read as follows:

"**Section 213-3. Disqualification of judge; relationship, pecuniary interest, previous judgment, bias or prejudice.** (a) No person shall sit as a judge in any case in which his relative by affinity or consanguinity within the third degree is counsel, or interested either as a plaintiff or defendant, or in the issue of which the said judge has, either directly or through such relative, any pecuniary interest; nor shall any person sit as a judge in any case in which he has been of counsel or on an appeal from any decision or judgment rendered by him.

(b) Whenever a party to any suit, action or proceeding, whether at law, in equity, criminal or special proceeding, makes and files an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall be disqualified from proceeding therein. Every such affidavit shall state the facts and the reasons for the belief that bias or prejudice exists and shall be filed before the trial or hearing of the action or proceeding, or good cause shall be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one affidavit; and no affidavit shall be filed unless accompanied by a certificate of counsel of record that the affidavit is made in good faith. Any judge may disqualify himself by filing with the clerk of the court of which he is a judge a certificate that he deems himself unable for any reason to preside with absolute impartiality in the pending suit or action."

SECTION 2. Chapter 214 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) Section 214-1 is hereby amended to read as follows:

"**Section 214-1. How constituted.** The supreme court, pursuant to section 2 of Article V of the Constitution, shall consist of a chief justice and four associate justices."

(b) Section 214-2 is hereby amended to read as follows:

"**Section 214-2. Absence, disability, etc., of chief justice.** Wherever, by the provisions of any law of the State, any act is required to be performed by the chief justice of the supreme court, such act may (unless otherwise expressly provided) be performed, in case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, by an associate justice of the court designated in accordance with the rules of the supreme court."

(c) Section 214-13, as amended by Act 259 of the Session Laws of Hawaii 1959, is hereby further amended by deleting from the first sentence thereof the words "consistent with existing laws" as it appears twice in said sentence and by further deleting therefrom the second sentence.

(d) Section 214-16 is hereby amended by deleting therefrom the words "by law or by any of the general rules of civil procedure".

(e) Section 214-20 is hereby amended by deleting therefrom the words "by law or by any of the general rules of criminal procedure".

SECTION 3. Section 215-29 of the Revised Laws of Hawaii 1955 is hereby amended by deleting therefrom the words "in all matters not expressly provided by law" and substituting therefor the words "in all matters not otherwise expressly provided".

SECTION 4. Chapter 221 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) Section 221-2 is hereby amended to read as follows:

"**Section 221-2. Disqualified when.** No person shall sit as a juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said juror has, either directly or through such relative, any pecuniary interest; nor shall any person sit as a juror who does not possess the qualifications prescribed by section 221-1; nor shall any person sit as a juror who has been convicted of any felony or of a misdemeanor involving moral turpitude."

(b) Section 221-16 is hereby amended by deleting from the third sentence of the last paragraph thereof the words "chief justice" and substituting therefor the words "supreme court".

SECTION 5. Section 229-17 of the Revised Laws of Hawaii 1955 is hereby amended by deleting therefrom the words "not inconsistent with the provisions hereof".

SECTION 6. **Inferior courts.** All inferior courts established by the Territorial legislature are hereby declared to be inferior courts established by the State legislature pursuant to section 1 of Article V of the Constitution.

SECTION 7. **Style of process.** The style of process in the State courts shall hereafter run in the name of "The State of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the State of Hawaii.

SECTION 8. **Repeal of prior laws.** Sections 11 and 84 of the Hawaiian Organic Act, as amended, which are embraced without change in this Act are hereby repealed and this Act shall be in force in lieu thereof.

SECTION 9. **Construction of this Act.** Provisions in this Act shall be construed as continuations or amendments of applicable or corresponding provisions of previously existing laws and not as new enactments. In case of a conflict between two or more provisions, or in any case of a latent or patent ambiguity or obvious clerical error in any provision of this Act, reference may be had to the previously existing laws for the purpose of applying the rules of construction relating to repeal by implication or for the purpose of resolving the ambiguity or correcting the error.

SECTION 10. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 2.**

---

## ACT 6

An Act Relating to the Acquisition and Conveyance of Lands for National Parks.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Those provisions of various Acts of Congress authorizing the acquisition of private lands for purposes of the Hawaii National Park and City of Refuge National Historical Park by exchanges or otherwise, such exchanges not to be limited by restrictions of the land laws of the state of Hawaii, or authorizing the governor of Hawaii to acquire and convey to the United States lands and interests in lands, which provisions are "Territorial laws" pursuant to section 15 of Public Law 86-3 of the 86th Congress, are hereby ratified and adopted as laws of the state of Hawaii without any termination or expiration date.

SECTION 2. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 62.**

---

## ACT 7

An Act Relating to Hours of Work and Overtime Work of Public Officers and Employees.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 5-72 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"**Sec. 5-72. Hours of work of officers and employees; compensation for overtime.** (a) The provisions of this section shall apply to every officer or employee of the state or any of its political subdivisions, or of any department, board, commission or other agency of the state or any of its political subdivisions, except the head of any department, his first deputy or first assistant, or the head of a division or bureau of a department established by ordinance or statute, or to the head of any division of a department as may be designated by the department head subject to the approval of the governor of the state, or of the chief executive officer of any of its political subdivisions, whichever is applicable.

(b) Except as otherwise provided in this section, the normal work week of all government personnel shall be forty hours with not more than eight hours of work in any day. The normal work week shall be applicable to all such personnel, irrespective of whether their work is performed during the hours specified in section 5-70.

(c) The normal work week may be exceeded for operational convenience so long as an average of eighty hours for every two weeks is maintained with not more than eight hours in any day, in which cases personnel shall not be entitled to compensation for overtime.

(d) In agencies rendering twenty-four hours of service, seven days a week, the normal work week may be exceeded for operational convenience to a maximum of forty-eight hours in any week with not more than eight hours in any day so long as an average of eighty hours for every two weeks is maintained. Work schedules for such agencies shall be posted at least two weeks in advance.

(e) The limitation of eight hours of work a day may be waived for the convenience of employees of Kulani Prison and the Division of Training Schools by an agreement between a majority of a group of officers or employees and the head of that agency in which they are employed; provided, however, that the total hours of work shall not exceed an average of eighty hours for every two weeks.

(f) The hours of work of the fire-fighting members of the fire departments of the political subdivisions of the state shall be governed by the following provisions:

(1) The maximum number of hours of work shall be two hundred eighty-eight hours of actual service for twenty-eight days.

(2) Not more than one hundred forty-four hours of work shall be required in any two week period.

(3) The number of hours of each day's work shall be fixed from time to time by the head of the department.

(g) Compensation for all hours worked in excess of the foregoing limitations, whether granted as compensatory time off or paid in cash, shall be at the rate of one and one-half hours for each hour of overtime work.

(h) Compensatory time off shall be granted within thirty days from the day in which the overtime was worked, except that in the case of personnel of the police department, it shall be granted within ninety days.

(i) Compensation for overtime work may be paid in cash, provided, that in the case of state personnel, funds are available and approval of the governor is had, or in the case of personnel of the political subdivisions of the state, an ordinance authorizes such payment.

(j) If compensation for overtime worked has not been granted as compensatory time off within the period specified in paragraph (h) or paid for in cash, the hours of compensatory time off shall be added to the vacation allowance of the officer or employee.

(k) If compensation for overtime worked is due an officer or employee at the time of severance, it shall be paid in cash.

(l) By agreement between any officer or employee and the head of the agency in which he is employed, the equivalent of the reasonable value of meals furnished him by the agency in terms of hours of work

may be deducted from the compensatory time off or payment for overtime worked to which he is entitled."

SECTION 2. Section 5-70 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By amending the subtitle of the section to read as follows:

"**Sec. 5-70. Office hours.**"

(b) By deleting the second, third and fourth paragraphs of said section.

SECTION 3. This Act shall take effect upon its approval.

**(Approved November 13, 1959.) S.B. 75.**

---

## ACT 8

An Act Amending Section 11-99 of the Revised Laws of Hawaii 1955, Relating to Primary Elections.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 11-99 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"**Section 11-99. Official ballots.** The official ballots shall be of uniform size, weight, shape and thickness and, except for ballots specified in section 149-33, of the same color, for all counties. Before being finally printed by the respective county clerks, sample ballots or proofs thereof shall be submitted to the lieutenant governor for his approval as to uniformity of size, weight, shape, thickness and color, which approval must be obtained and shall be final.

The lieutenant governor shall make a drawing to determine which columns the political parties shall occupy on the ballot. The lieutenant governor shall notify the central committees of the political parties and nonpartisan candidates in writing, by registered or certified mail, return receipt requested, mailed to each last known address, at least seven days prior to the date when the drawing shall be made. Any interested person may attend the drawing.

The lieutenant governor, at the time of the drawing, shall have a lot consisting of individual slips of paper each with the name of a political party having any candidate seeking nomination in the present primary and one slip of paper with the name 'nonpartisan' written thereon if there is any nonpartisan candidate seeking nomination in the present primary. The lieutenant governor shall then draw from the lot, and the party or nonpartisan whose name is first drawn shall occupy the first column at the left of the ballot; the party or nonpartisan whose name is next drawn shall occupy the second column and so forth.

Where voting machines are used, the order of priority hereinabove set forth shall be designated in a position from top to bottom.

The names of all candidates shall be printed on the ballot in their respective party or nonpartisan column, in alphabetical order, with their Hawaiian equivalents, if requested as hereinbefore provided. The ballots shall be distributed by the county clerk within the intervals of time and in the manner required by the general election and county election laws

as to state and county ballots and shall conform in all other respects, except as otherwise required by this part, to the requirements of law governing general elections. The ballot shall be in such form as may be prescribed by the lieutenant governor not inconsistent with the provisions of law, and shall conform to the requirements of the several districts and counties."

SECTION 2. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 9.**

---

## ACT 9

An Act Relating to Elections and Presidential Electors.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 11 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) Section 11-91 is hereby amended to read as follows:

"**Sec. 11-91. Nomination of candidates.** All candidates for elective office, except as provided in section 11-94.5, shall be nominated in accordance with the provisions of this part and not otherwise. This part shall apply to special elections, except as otherwise provided by law for special primary elections.

(b) Add a new section as section 11-94.5 to read as follows:

"**Sec. 11-94.5. Nomination of presidential electors and alternates; certification; notification of nominees.** Beginning with the year 1960, and quadrennially thereafter, or in each year when electors of president and vice president of the United States are to be chosen, each of the political parties shall hold a state party convention pursuant to the constitution, by-laws and rules of such political party, and nominate as candidates for its party as many electors, and a first and second alternate for each elector, of president and vice president of the United States as the state is then entitled. The electors and alternates shall be registered voters of the state. The names and addresses of the nominees shall be certified by the chairman and secretary of the convention of the respective parties and submitted to the Lieutenant Governor no later than October 15 of the same year. The Lieutenant Governor upon receipt thereof, shall immediately notify each of the nominees for elector and alternate elector of his nomination."

(c) Add a new section as section 11-109.5 to read as follows:

"**Sec. 11-109.5. Contested nominations of presidential electors and alternates.** Should more than one certificate of choice and selection of presidential electors and alternate electors of the same political party be filed with the Lieutenant Governor, it shall be the duty of the Lieutenant Governor, as chairman of the contested presidential electors' committee hereby constituted, to notify the state comptroller and attorney general, who are the remaining members of the committee, of the date, time and place of the hearing to be held for the purpose of making a determination of which set of electors and alternate electors were lawfully chosen and selected by the political party. Notice of the hearing

shall be given to the chairman of the state central committee of each political party, contestants for the positions of electors and alternate electors by written notice, and to all other interested parties by publication at least once in a newspaper of general circulation. A determination shall be made by the committee by majority vote no later than October 30 of the same year and such determination shall be final. Notice of the results shall be given to the nominees duly determined to have been chosen. The committee shall have all the powers enumerated in section 11-21."

(d) Amend the first two sentences of section 11-36, as amended, to read as follows:

"**Sec. 11-36. Ballot boxes.** The Lieutenant Governor shall provide suitable ballot boxes for each polling place. Such boxes shall be marked in plain letters 'For President and Vice President, Members of Congress and State Offices' and shall bear no other device or mark in presidential election years, and such boxes shall be marked in plain letters 'For Members of Congress and State Offices' and shall bear no other device or mark in non-presidential election years."

(e) Section 11-39, as amended, is hereby amended to read as follows:

"**Sec. 11-39. President and vice president of the United States, members of Congress, and state offices.** There shall be but one ballot for president and vice president of the United States, members of Congress and state offices. The positions on a ballot shall be arranged substantially as follows: First, president and vice president of the United States in one box; next, United States senators; next, members of the United States house of representatives; next, governor; next, lieutenant governor; next state senators; and next, state representatives. The color, size, weight, shape and thickness of the ballot shall be determined by the Lieutenant Governor, and except as provided in section 11-3 shall contain the names of all candidates for Congress and for state office who may have been nominated according to law. In presidential elections the ballots also shall contain the names provided by section 11-39.5."

(f) Add a new section as section 11-39.5, to read as follows:

"**Sec. 11-39.5. Presidential ballots.** In presidential elections, the names of the candidates for president and vice president shall be used on the ballot in lieu of the names of the presidential electors, and the votes cast for president and vice president of each political party shall be counted for the presidential electors and alternates nominated by such political party."

(g) Section 11-40 is hereby amended to read as follows:

"**Sec. 11-40. Arrangement of names, etc.** Subject to the provisions of section 11-42, as amended, and except as otherwise provided under Part IV herein, the names of the candidates shall be placed upon the ballots in alphabetical order, except in the case of the candidates for vice president. Their names shall be placed immediately below the name of the candidate for president of the same political party. A horizontal line shall be ruled between each name and its equivalent, if any, and the next name, except that in case of presidential and vice presidential candidates of the same political party, there shall be no horizontal line between said candidates; the said horizontal line being ruled after the name of

the vice presidential candidate of the same political party, thereby grouping the presidential and vice presidential candidate of the same political party within the same pair of horizontal lines. Immediately after all the names, on the right-hand side of the ballot, two vertical lines shall be ruled, so that in conjunction with such horizontal lines, a square shall be formed opposite each name and its equivalent, if any, and in case of the candidates for president and vice president of the same political party, only one square shall be formed opposite their set of names. The squares shall be of sufficient size to give ample room in which to designate the choice of the voter in the manner in this chapter prescribed. All of the names upon a ballot shall be placed at uniform distance from the left-hand edge and close thereto, and shall be of uniform size and print, except that the names of vice presidential candidates may be of smaller print."

(h) Add a new section as section 11-180.5 to read as follows:

"**Sec. 11-180.5. Arrangement of names, etc.** Subject to the provisions of Section 11-39 and Section 11-42, as amended, the names of the candidates shall be placed upon the ballot in alphabetical order, except that the names of the presidential and vice presidential candidate of the same political party shall be placed in the same block below the title of the office. The alphabetical arrangement of the names of the candidates for each office shall be as uniform as practicable to comply with the laws governing the use of non-machine ballots at elections insofar as the construction of the voting machine will permit."

(i) Add a new part thereunder as Part VI with the following section numbers and to read as follows:

"PART VI. ELECTIONS FOR PRESIDENTIAL ELECTORS

**Sec. 11-216. Times for election, number to be chosen.** Beginning with November of 1960, and in each presidential election year thereafter, there shall be elected at large, at the general election, by the voters of the state, as many electors and alternates of president and vice president of the United States as the state is then entitled to elect, in the manner provided under section 11-39.5. The electors and alternates must be residents of the state of Hawaii. The election shall be conducted and the results thereof determined in conformity with the laws governing general elections except as otherwise provided.

**Sec. 11-217. Certificate of election, notice of meeting.** On the last Monday in the month of the election, or as soon as the returns have been received from all the counties in the state, if received before that time, the Lieutenant Governor shall certify to the Governor the names of the presidential electors and alternates of the same political party as the candidates for president and vice president receiving the highest number of votes as elected as presidential electors and alternates. Thereupon the governor shall in accordance with the laws of the United States, communicate by registered mail under the seal of the state of Hawaii to the administrator of general services of the United States, a certificate or certificates of persons elected as presidential electors, setting forth the names of such electors and the total number of votes cast for each elector. The Lieutenant Governor shall thereupon, together with a notice of the time and place of the meeting of the electors, cause to issue

and transmit to each such elector and alternate a certificate of election signed by the governor in substantially the following form, viz.:

CERTIFICATE OF ELECTION OF PRESIDENTIAL ELECTORS

I, ....., Governor of the state of Hawaii, do hereby certify that....., a member of the.....party, was on the ..... day of ....., 19....., duly elected a Presidential Elector for the state of Hawaii for the presidential election of 19.....

CERTIFICATE OF ELECTION OF ALTERNATE PRESIDENTIAL ELECTOR

I, ....., Governor of the state of Hawaii, do hereby certify that....., a member of the.....party, was on the ..... day of ....., 19....., duly elected..... Alternate Presidential Elector for Presidential Elector..... for the state of Hawaii for the presidential election of 19.....

**Sec. 11-218. Duties of the governor.** On or before the day of meeting of the electors the governor shall deliver to the electors a list of the names of electors, and he shall perform any other duties relating to presidential electors which are required of him by laws of the United States.

**Sec. 11-219. Assembly of electors at state capital; time.** The electors chosen shall assemble at the state capital on the first Monday after the second Wednesday in December next following their election, at two o'clock in the afternoon.

**Sec. 11-220. Filling vacancies of presidential electors.** In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the vacancy or vacancies shall be filled by the alternates in the order of their numerical designation for their respective electors causing the vacancy or vacancies, and in the event that vacancy or vacancies still exist, then the electors present shall select from the members of the same political party as many persons as will supply the deficiency. Certificates for the alternates or substitutes as presidential electors shall be issued by the governor.

**Sec. 11-221. Convening and voting for president and vice president; party vote.** The electors, when convened, if both candidates are alive, shall vote by ballot for that person for president and that person for vice president of the United States, who are, respectively, the candidates of the political party which they represent, one of whom, at least, is not an inhabitant of this state.

**Sec. 11-222. Naming persons voted for in ballots, separate ballots.** The electors shall name in their ballots the person voted for as president, and in separate ballots the person voted for as vice president.

**Sec. 11-223. Lists of persons voted for and number of votes, certification, transmission to president of the senate.** The electors shall separately list the persons voted for as president and as vice president, respectively, and the number of votes for each, which lists they shall sign, certify, seal, and transmit by mail, one copy to the seat of the government of

the United States, directed to the president of the senate of the United States, and make such other disposition of the lists as required by law.

**Sec. 11-224. Compensation and mileage of electors, amounts.** Each presidential elector shall receive fifty dollars for his services, plus the reasonable cost of transportation from his voting residence in the state of Hawaii to the state capital and return. Their accounts shall be certified to by the Lieutenant Governor, and audited by the state comptroller, and shall be payable out of the general fund.

SECTION 2. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any circumstances is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word in other circumstances shall not be affected thereby.

SECTION 3. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 12.**

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## ACT 10

An Act Relating to the Filling of a Vacancy in the United States House of Representatives.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. There is hereby added to chapter 11 of the Revised Laws of Hawaii 1955 a new section to be appropriately numbered and to read as follows:

"**Sec. ..... Vacancy: United States Representative.** When a vacancy shall occur in the representation of this state in the United States House of Representatives, the governor shall issue a proclamation for an election to fill such vacancy unless the unexpired term is for less than six months. Such proclamation shall be issued not less than sixty days before such election to fill the vacancy and shall contain the date, time, and places where such special election is to be held, the time within which nomination papers shall be filed, the time for transmitting to county clerks the notice designating the offices for which candidates are to be elected, the time for transmitting to county clerks lists of candidates to be voted for at such special election and such other matters as provided for in section 11-1 and which are not inconsistent herewith. Such special election shall be conducted and the results ascertained so far as practicable, in accordance with the provisions of this chapter."

SECTION 2. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 14.**

## ACT 11

An Act Relating to Special Elections and Amending Section 11-2 and 11-3 of the Revised Laws of Hawaii 1955.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 11-2 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"**Sec. 11-2. Vacancy in the Legislature.** Whenever any vacancy in the membership of the Legislature occurs, the governor shall call a special election in any senatorial or representative district in which the vacancy occurs, or shall direct that the vacancy shall be filled for the unexpired term at the next general election, as provided in this section.

In case a person elected at a special election could, upon taking office, exercise the functions thereof at a session of the Legislature after his election, then the following procedure shall be observed. Whenever any vacancy occurs which is sixty days prior to a session of the Legislature then the governor, within ten days after receipt of information that the vacancy has occured, shall issue his proclamation calling for a special primary and special general election. The special primary election to be held at least twenty days and no more than thirty days after the issuance of the proclamation and the special general election to be held at least twenty days and no more than thirty days after the special primary election. Whenever any vacancy occurs which is within the sixty days period prior to the session or during the session then the governor, within ten days after receipt of information that the vacancy has occured, shall issue his proclamation calling for a special election. In the event the governor calls a special session and the ten day period since the vacancy has expired, then he shall forthwith issue a proclamation for a special election. The special election to be held at least ten days and no more than twenty days after the issuance of the proclamation and shall be governed by the laws relating to general elections and matters pertaining thereto, respectively, so long as such laws are applicable.

In the event that there is no session of the Legislature in which the person could serve upon election before the next primary and general election, then the governor shall not issue a proclamation that the vacancy be filled at a special election, but shall issue a proclamation that the vacancy be filled at the next primary and general election.

SECTION 2. Section 11-3 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the words "secretary of the territory" wherever it appears in said section and substituting the words "lieutenant governor of the state" and by deleting the first paragraph thereof and substituting the following:

At any special election no person shall be permitted to stand as a candidate for election to the legislature unless he shall be nominated and so requested in writing, signed by not less than twenty-five duly qualified electors in the district in which an election is ordered, and in which he is requested to be a candidate. Whenever a special primary election shall be held, then the nomination shall, except as hereinafter provided, be deposited with the lieutenant governor of the state no less

than fifteen days before the day of the special primary election, except on the island of Oahu, where the nomination shall be deposited not less than ten days before the day of the special primary election. Whenever any vacancy is to be filled by a special election only, then the nomination shall be deposited with the lieutenant governor of the state not less than seven days before the day of the special election.

SECTION 3. This Act shall take effect upon its approval.

**(Approved November 13, 1959.) S.B. 16.**

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## ACT 12

A Bill Relating to Control of the Rate of Expenditures of Appropriated State Moneys, and for the Reduction of Such Expenditures Under Prescribed Conditions and Amending Chapter 35, Revised Laws of Hawaii 1955.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 35-1, Revised Laws of Hawaii 1955, is hereby amended by substituting a semi-colon for the period appearing at the end of the definition of "Government," and by adding the following:

"Special fund" means any fund that by law is set aside or appropriated or dedicated for a limited object or purpose; provided that "special fund" does not include a revolving fund or a trust fund;

"Revolving fund" means a fund from which is paid the cost of goods or services rendered or furnished to or by a state department or establishment, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds;

"Trust fund" means a fund in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise or bequest that limits the use of the fund to designated objects or purposes.

SECTION 2. Section 35-14, Revised Laws of Hawaii 1955, is hereby repealed in its entirety.

SECTION 3. There is hereby added to chapter 35, Revised Laws of Hawaii 1955, as amended, the following new sections to be numbered and to read as follows:

**"Sec. 35-19. Intent and policy.** It is hereby declared to be the policy and intent of the legislature that the total appropriations made by it, or the total of any budget approved by it, for any department or establishment, shall be deemed to be the maximum amount authorized to meet the requirements of such department or establishment for the period of the appropriation, excepting as may otherwise be provided by law, and that the governor and the director of budget should be given the powers granted by sections 35-20 to 35-29 in order that savings may be effected by careful supervision throughout each appropriation period with due regard to changing conditions; and by promoting more economic and efficient management of state departments and establishments.

"**Sec. 35-20. Quarterly allotment periods.** No officer, department or establishment shall expend or be allowed to expend during any fiscal year any sum for any purpose not specifically authorized by the legislature for expenditure during that particular fiscal year, and not made available pursuant to the allotment system provided for in sections 35-19 to 35-29. For the purposes of the allotment system, each fiscal year shall be divided into four quarterly allotment periods, beginning, respectively, on the first days of July, October, January, and April; provided that in any case where the quarterly allotment period is impracticable, the director may prescribe a different period suited to the circumstances, not exceeding six months nor extending beyond the end of the fiscal year.

"**Sec. 35-21. Funds to which allotment system applies.** The provisions of this act relating to the allotment system shall apply to all appropriations (including standing, continuing or annual appropriations and special funds) for all departments and establishments, but shall not apply to refund accounts nor to appropriations for the courts or the legislature nor to payment of unemployment compensation benefits. In the cases of capital improvements and in other cases where periodical allotments are impracticable, the director may dispense therewith and prescribe such regulations as will insure proper application and encumbering of funds. Subject to the provisions of section 35-28, emergency or contingent funds, revolving funds and trust funds, shall be subject to such regulations as the director may prescribe for controlling the expenditures and encumbering of such funds.

"**Sec. 35-22. Appropriations available for allotment; estimate of expenses.** No appropriation to which the allotment system is applicable shall become available to any department or establishment for expenditure during any allotment period until such department or establishment submits to the director at such time prior to the beginning of such allotment period and in such form as the director may prescribe an estimate of the amount required to carry on the work of such department or establishment during that period, and until such estimate is approved, increased or decreased by the director and funds allotted therefor.

"**Sec. 35-23. Estimated expenditures; approval.** The director shall review all estimates submitted to him, and, having due regard for the probable further needs of the department or establishment for the remainder of the term for which the appropriation was made, the terms and purposes of the appropriation, the progress of collection of revenues, and condition of the treasury, and the probable receipts and total cash requirements for the ensuing quarter, he shall approve, increase or reduce the amount of the estimate. The director shall act promptly upon all estimates and notify each department or establishment of its allotment, and shall notify the comptroller.

"**Sec. 35-24. Modification.** The director shall have authority at any time to modify or amend any allotment previously made by him, upon application of, or upon notice to, the department or establishment concerned, provided, that no deficit or undue reduction of funds to meet future needs of such department or establishment will result therefrom and provided, further, that no such modification or amendment reduces

an allotment below the amount required to meet valid obligations or commitments previously incurred against the allotted funds.

"**Sec. 35-25. Reduction.** In case the director determines at any time that the probable receipts from taxes or any other sources for any appropriation will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, the director shall, with the approval of the governor, and after notice to the department or establishment concerned, reduce the amount allotted or to be allotted, provided that no such reduction reduces any allotted amount below the amount required to meet valid obligations or commitments previously incurred against the allotted fund.

"**Sec. 35-26. Allotment according to classification prescribed in appropriation.** Allotments shall be made according to the classifications of expenditures prescribed in the appropriation measure as enacted by the legislature, and the funds allotted for each classification of expenditure shall be used for no other classification of expenditure.

"**Sec. 35-27. Reduction of allotted amounts for objects and items.** The head of a department or establishment may, at any time during any allotment period, reduce the expenditure of money appropriated and allotted for that period for specific items and objects within the classification of expenditures prescribed in the appropriation measure and allotted to such department or establishment.

"**Sec. 35-28. Exceptions; revolving and trust funds.** Except as to administrative expenditures, and except as otherwise provided by law, expenditures from revolving and trust funds and funds established to provide services rendered by any state department or establishment to other state departments or establishments or to any political subdivision of the state, may be made by any department or establishment without appropriation or allotment; provided that no expenditure shall be made from and no obligation shall be incurred against any revolving fund or trust fund in excess of the amount standing to the credit of such fund or for any purpose for which such fund may not lawfully be expended. Nothing contained in sections 35-19 to 35-29 shall be construed to require that revolving funds, trust funds or any refund account established pursuant to law be reappropriated annually.

"**Sec. 35-29. Appropriations to revert to state treasury; exceptions.** Unless otherwise provided by law, every appropriation or part thereof of any kind made subject to the provisions of sections 35-19 to 35-28, remaining unexpended and unencumbered at the close of any fiscal year shall lapse and be returned to the general fund in the manner prescribed in sec. 34-45.

"**Sec. 35-30. Allotment as limit of expenditure; liability for excessive expenditure.** No department or establishment shall expend or be allowed to expend any sum, or incur or be allowed to incur any obligation in excess of an allotment. No obligation incurred in excess of the balance of an allotment shall be binding against the state, but where the obligation is violative only for having been made in excess of an allotment, the director may authorize payment thereof from unallotted funds. Any officer, employee or member of any department or establishment, who

makes or causes to be made any excessive expenditure or incurs or causes to be incurred any excessive obligation shall be deemed guilty of neglect of official duty and shall be subject to removal from office and shall be liable to the state for such sum as may have been expended or paid, and such sum, together with interest and costs, shall be recoverable in an action instituted by the Attorney General."

SECTION 4. This Act shall take effect upon approval.

(Approved November 13, 1959.) **S.B. 27.**

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## ACT 13

A Bill Relating to Biennium Financial Reports, Biennial Periods and Biennial Sessions of the Legislature, and Amending Them in the Revised Laws of Hawaii 1955 to Annual Financial Reports, Annual or Fiscal Periods, and Regular Sessions of the Legislature.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The intent and purpose of this Act are to conform all relevant and related sections of the Revised Laws of Hawaii 1955 to the annual budgetary requirements, the annual appropriation and the regular sessions of the legislature as provided in Section 11, Article III and sections 4 and 5, Article VI of the Constitution.

SECTION 2. Wherever the words "biennially", "two years", "biennial report", "biennial period" or "biennium", and words of like import appear in the Revised Laws of Hawaii 1955, as amended, with reference to or in connection with any financial transaction or report of, or expenditure involving public money made or to be made by any department, establishment, agency, office, board or commission, supported by or expending public money in whole or in part, or with reference to or in connection with the executive budget or legislative appropriation made or to be made, they are hereby amended to read respectively, "annually", "one year" or "year", "annual report", "fiscal period" and words of like import, as the context requires.

SECTION 3. Wherever the words "biennial session of the legislature" appear in the Revised Laws of Hawaii 1955, as amended, they are hereby amended to read "regular session of the legislature."

SECTION 4. The revisor of statutes is hereby authorized to make all such changes required in accordance with this Act, having due regard for the context in which the words "biennially", "biennial report", "biennial period" or "biennium" and "biennial sessions" are used.

SECTION 5. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 28.**

## ACT 14

An Act Relating to the Auditor, Providing for His Duties and Functions, Repealing Section 77A of the Hawaiian Organic Act and Chapter 136 of the Revised Laws of Hawaii 1955.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. A new part is hereby added to chapter 2, Revised Laws of Hawaii 1955, to be numbered and to read as follows:

"PART III. AUDITOR AND POST-AUDIT

**Sec. 2-30. Definition.** As used in this part, 'departments, offices and agencies' shall mean and include all executive departments, boards, commissions, bureaus, offices, agencies and all independent commissions and other establishments of the state government (excepting the legislature) and all quasi-public institutions and all courts which are supported in whole or in part by, or which handle state or public funds; and 'political subdivision' shall mean and include all counties and municipalities of the state insofar as they are supported by or handle state or public funds.

**Sec. 2-31. Auditor; appointment, tenure, removal, salary, qualifications.** The auditor shall be appointed, hold office for such term and be subject to removal in the manner prescribed in section 8, Article VI, of the constitution. The salary of the auditor shall be fixed by the legislature and shall not be diminished during the auditor's term of office. The auditor, prior to his appointment, shall possess the following minimum qualifications: (1) He shall be in possession of a certificate issued by the Hawaii State Board of Accountancy to practice as a certified public accountant or a public accountant. (2) He shall have had at least five years of responsible experience in auditing. (3) Or he shall have any combination of experience which in the opinion of the legislature is the equivalent of (1) and (2).

**Sec. 2-32. Duties.** The auditor shall conduct post-audits of all transactions and of all books and accounts kept by or for all departments, offices and agencies of the state, and its political subdivisions. Such post-audits and all examinations to discover evidence of any unauthorized, illegal, irregular, improper or unsafe handling or expenditure of state funds, or other improper practice of financial administration shall be conducted at least once in every two years after the close of a fiscal year, and at such other time or times during the fiscal year as he shall deem necessary or as may be required by the legislature for the purpose of certifying to the accuracy of all financial statements issued by the respective accounting officers and of determining the validity of expenditures of state or public funds.

**Sec. 2-33. Auditor; powers.** The auditor may examine and inspect all books, records, files, papers and documents and all financial affairs of every department, office and agency and political subdivision, and may, by precept under his hand in the form contained in section 34-49, require all such persons as he may think fit to appear personally before him at any time and place to be named in such precept, and to produce to him all such accounts, books, records, files, papers and documents in the possession or control of such persons as shall appear to be necessary

for the purpose of examination. The auditor may cause search to be made and extracts to be taken from any book, paper or record in the custody of any public officer without paying any fee for the same; and every officer having the custody of any such book, records, files, papers and documents shall make such search and furnish such extracts as thereto requested.

**Sec. 2-34. Examination under oath.** The auditor shall have power to administer oaths to persons summoned to appear before him and may question such persons, under oath, concerning receipts and expenditures of money and concerning all other things and matters necessary for the due execution of the duties vested in him by this part.

**Sec. 2-35. Penalty for violation and false evidence.** Any person, who, having been summoned as in section 2-33 provided, to give testimony or to produce any books, papers or other documents relating to any matter under inquiry, wilfully makes default, or who, having appeared, refuses to answer any question pertaining to the matter under inquiry, shall be fined not less than $100 nor more than $1,000, or imprisoned not less than one month nor more than twelve months, or both. If any person, in the course of his examination before the auditor, wilfully gives false evidence, such person so offending shall incur the same penalties as are or may be provided against persons convicted of perjury.

**Sec. 2-36. Discovery of irregularities.** In case the auditor at any time discovers evidence of any unauthorized, illegal, irregular, improper or unsafe handling or expenditure of state funds, or other improper practice of financial administration or if at any time it comes to his knowledge that any unauthorized, illegal, irregular, improper or unsafe handling or expenditure of state funds or other improper practice of financial administration is contemplated but not consummated, in either case, he shall forthwith transmit the facts to the legislature or any legislative interim committee then in existence, and the governor of the state, and the city council or board of supervisors of the political subdivision concerned. The auditor shall in his annual report to the legislature make specific recommendations for the avoidance of the same in the future.

**Sec. 2-37. Assistants and staff.** In the performance of his duties, the auditor may employ the services of one or more certified public accountants or accounting firms, and such other assistants and clerical workers as may be necessary, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office and provided further, that such accountants, firms, assistants are entirely independent of the departments, offices, and agencies of the state and its political subdivisions whose affairs are subject to audit by the auditor. All employees shall be subject to the provisions of chapters 3 and 4 of the Revised Laws of Hawaii, 1955, as amended, except the following: (a) Certified public accountants and employees of accounting firms on temporary contracts. (b) One first deputy or first assistant who may be appointed and removed by the auditor; but such position shall be subject to the civil service position classification plan.

**Sec. 2-38. Reports.** The auditor shall, at each regular session, submit a report to the legislature of the audits and examinations conducted by

him for the immediately preceding fiscal year and all other audits and examinations conducted by him during the current fiscal year, together with findings and recommendations relative to the expenditures made and financial transactions had by the departments, offices and agencies of the state and its political subdivisions. Reports may also be submitted to the legislative council or any legislative interim committee then in existence. Certified copies of all audits and examinations made by the auditor shall be sent to the governor and the director of budget. All such reports shall be available for public inspection. A certified copy of that portion of any report which consists of audits and examinations of departments, offices, or agencies of a political subdivision shall be sent to the city council or board of supervisors of the political subdivision concerned."

SECTION 2. (a) Section 77A of the Hawaiian Organic Act is hereby repealed in its entirety. (b) Chapter 136 of the Revised Laws of Hawaii, 1955, is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 29.**

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## ACT 15

A Bill Relating to the Budget.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 35-9 of the Revised Laws of Hawaii 1955 is amended to read as follows:

"**Section 35-9. Governor to transmit budget to legislature; contents.** The governor shall transmit to the legislature on the first day of each regular session, and to each of the members thereof, not less than twenty days before the legislature convenes, the budget which shall contain the following:

(a) A statement showing the estimated condition of the treasury at the close of the fiscal year in progress;

(b) A statement of the estimated condition of the treasury at the close of the ensuing fiscal year if the financial proposals contained in the budget are adopted;

(c) A statement showing the bonded indebtedness of the state as of December 31, next preceding the ensuing regular session, and all essential facts in relation thereto;

(d) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practical detail the financial condition of the government;

(e) A summary of general fund receipts showing actual receipts for the last completed fiscal year, the estimated receipts for the fiscal year in progress and the estimated receipts for the ensuing fiscal year;

(f) Detail of general fund receipts showing actual receipts for the last completed fiscal year, the estimated receipts for the fiscal year in progress, and the estimated receipts for the ensuing fiscal year;

(g) A summary of general fund appropriations for the fiscal year in progress and for the ensuing fiscal year, showing the governor's recommendations thereof for the ensuing fiscal year;

(h) A summary of general fund expenditures showing actual expenditures for the last completed fiscal year, and the estimated expenditures for the fiscal year in progress;

(i) Details of general fund expenditures showing:

(1) Actual expenditures for the last completed fiscal year;

(2) The estimated expenditures for the fiscal year in progress;

(3) Appropriations for the fiscal year in progress;

(4) The governor's recommendation thereof for the ensuing fiscal year;

(j) A balanced summary of actual receipts and expenditures under all special expendable funds for the last completed fiscal year, and estimated receipts for the fiscal year in progress and for the ensuing fiscal year;

(k) A detailed statement of actual receipts and expenditures under all special expendable funds for the last completed fiscal year, and estimated receipts for the fiscal year in progress and for the ensuing fiscal year.

The budget shall contain an item to be known as the "contingent fund," which sum shall be available for allocation by the governor during the ensuing fiscal year to meet contingencies as they arise.

The budget shall be printed, with a reasonable number of copies for public distribution. The budget shall cover all funds and moneys coming under the control or administration of the governor or deposited in the state treasury and expended on state warrants; provided, that a detailed budget of each department specifically given control over receipts not deposited in the state treasury shall be printed and appended to the budget. All items of receipts, and of proposed and past expenditures, in the budget shall be shown to the nearest dollar, omitting cents."

SECTION 2. Chapter 35 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be numbered 35-9.5 and to read as follows:

"**Section 35-9.5. Budget director to furnish information; departments and establishments to comply.** The budget director or his representative shall furnish to the legislature or any committee thereof (including any interim committee or sub-committee) all necessary budgetary supplemental documents or information which the legislature or any of its committees may request. Each department and establishment shall furnish the budget director or his representative with all documents or information which the budget director or his representative need in order to comply with the request of the legislature or any of its committees."

SECTION 3. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 35.**

## ACT 16

An Act Relating to Tourism and Making Appropriations Therefor.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The purpose of this Act is to allow the state agency charged with tourism development to enter into a contract with the Hawaii Visitors Bureau to provide for the promotion and development of tourism.

SECTION 2. **Duties and conditions.** Any law to the contrary notwithstanding, the state agency charged with tourism development shall have the power to contract with the Hawaii Visitors Bureau. The state agency charged with tourism development may add such additional provisions in the contract which it may deem necessary for effective tourist promotion and development. The contract shall be entered into no later than January 1, 1960, and shall expire on June 30, 1960. The appropriation as provided for in section 5 (a) herein shall be used to accomplish the purpose of this Act.

SECTION 3. **Terms and conditions of contract.** The contract entered into with the Hawaii Visitors Bureau shall contain the following terms and conditions:

(1) The funds appropriated under section 5 (a) shall become available to the Hawaii Visitors Bureau from the state agency charged with tourism development from time to time as follows: The first $250,000 of the state's appropriated funds for the fiscal year beginning July 1, 1959, and ending June 30, 1960, shall be matched by private contributions in a ratio of 1 to 1, and the next $500,000 of the state's appropriated funds for the fiscal year shall be matched in a ratio of 2 from the state to 1 from private contributions. Provided, that such appropriated funds become available upon warrants issued by the comptroller of the state at such times as private contributions are received by the Hawaii Visitors Bureau in cash and deposited to its credit in a bank. Provided further, that the moneys thus made available hereinafter referred to as "matching funds", shall be expended only as provided in sub-paragraphs (2) and (3) and subject also to any other terms and conditions contained in the contract.

(2) That not less than 30 per cent of all government matching funds shall be expended for advertising and promotional work for the benefit of the counties of Hawaii, Maui and Kauai. Of this amount, not less than 20 per cent shall be expended for the benefit of the county of Hawaii, not less than 15 per cent for the county of Maui and not less than 15 per cent for the benefit of the county of Kauai. These programs may include any and all of the activities that are related to tourist promotion and development, but shall not include the operational or administrative expenses of the Hawaii Visitors Bureau.

(3) That not less than $16,700 of all matching funds remaining after the allowance provided for in sub-paragraph (2) above, shall be spent for the 1959 Aloha Week, such sums to be apportioned among the several counties, including the city and county of Honolulu, as follows:

| | |
|---|---|
| City and County of Honolulu | $12,900 |
| County of Hawaii | 1,200 |
| County of Maui | 1,200 |
| (Molokai) | 200 |
| County of Kauai | 1,200 |
| TOTAL | $16,700 |

(4) That the Hawaii Visitors Bureau shall receive any and all complaints relating to tourist activities from any person who files such complaints with the Hawaii Visitors Bureau, shall make a monthly report to the state agency charged with tourism development and shall make such complaints available for the inspection of all interested parties.

(5) That no employee or officer of the state or its political subdivisions nor any member of a county advisory committee created herein shall serve as a member of the Hawaii Visitors Bureau executive board or committee.

SECTION 4. **County advisory committees.** There shall be established in each county including the city and county of Honolulu, an advisory committee to the state agency charged with tourism development. Each committee shall consist of five members who shall be appointed by the mayor or respective chairman of each county with the approval of the city council or respective boards of supervisors of each county. The county advisory committees, in order to effectuate tourist promotion and development in their respective counties, shall: (1) advise the state agency charged with tourism development as to what provisions in addition to those specified in this Act should be contained in the contract between the state agency charged with tourism development and the Hawaii Visitors Bureau; and (2) advise the state agency as to other matters relating to tourism promotion and development.

SECTION 5. **Appropriations.** (a) There is hereby appropriated from the general revenues of the state the sum of $750,000 for the fiscal period commencing July 1, 1959 and ending June 30, 1960. This appropriation shall be subject to the conditions contained in this Act.

(b) There is hereby appropriated from the general revenues of the state for the same fiscal period, the sum of $5,000 to the state agency charged with tourism development for administration expenses in its department which may be incurred to effectuate the purpose of this Act.

SECTION 6. **Continuity of administration.** Until the state agency charged with tourism development has been created, the budget bureau shall exercise the powers and perform the duties conferred upon the state agency charged with tourism development by this Act; provided, that the budget bureau, prior to negotiating for the contract, shall consult with the county advisory committees; and provided further, that the budget bureau shall relinquish to the state agency charged with tourism development all claim to the powers and duties conferred by this Act when such agency has been created and its officer or officers have been duly appointed and qualified, all in accordance with the Hawaii State Government Reorganization Act of 1959.

SECTION 7. The appropriation made to the Hawaii Visitors Bureau by Act 270, Session Laws of Hawaii 1959, is hereby repealed.

SECTION 8. **Advances.** Any funds advanced to the Hawaii Visitors Bureau from the governor's contingency fund since July 1, 1959 shall be considered as part of the appropriation made herein, and such advances shall be reimbursed by the Hawaii Visitors Bureau to the governor's contingency fund from the appropriation made herein.

SECTION 9. **Effective date.** This Act shall take effect upon its approval.

SECTION 10. The provisions of this Act are specifically meant to supplement the powers and functions granted to the state agency charged with tourism development under the Hawaii State Government Reorganization Act of 1959, and said Act is hereby amended insofar as necessary to conform herewith.

(Approved November 13, 1959.) **S.B. 55.**

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## ACT 17

An Act Establishing a Hawaii Statehood Celebration Committee and Making an Appropriation Therefor.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. There is hereby established a committee to be known as the "Hawaii Statehood Celebration Committee", which shall have charge of all arrangements for the appropriate statewide celebrations of the admission of Hawaii to statehood. The celebrative events shall exhibit to the world, Hawaii's personality and position in world affairs with special emphasis on its readiness to assume and develop leadership in matters of inter-racial and inter-cultural understanding. Such committee shall continue in existence for no longer than December 31, 1960.

SECTION 2. The committee shall consist of thirteen members, to wit: the lieutenant governor of the State of Hawaii (who shall be chairman of this committee); four representatives (one from each county) appointed by the Speaker of the House of Representatives of the First State Legislature; four senators (one from each county) appointed by the President of the Senate of the First State Legislature; and four members appointed by the governor of the State of Hawaii.

SECTION 3. There is hereby appropriated out of the general revenues of the State, the sum of $80,000 or so much thereof as shall be necessary to be expended by the celebration committee. Of the $80,000, $75,000 or so much thereof as shall be necessary shall be expended for the state celebration in November 1959 and $5,000 or so much thereof as shall be necessary shall be expended for planning of future programs in accord with Section 1 of this Act, a report of which shall be made to the Legislature by at least 10 days before the convening of the budget session in February 1960.

SECTION 4. The funds hereby appropriated shall be paid over to the comptroller to be disbursed on warrants of the comptroller upon vouchers approved by the chairman of the committee.

SECTION 5. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 58.**

## ACT 18

An Act Appropriating the Sum of $150,000 for the Survey and Study of Plans for the Development of Tourist Destination Areas in Each County.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. It is the purpose of this Act to provide a complete survey, study, general plans and program for the development of tourist destination areas in the state to meet the growing tourist industry.

SECTION 2. The state planning office shall undertake and conduct such survey and study and prepare the plans to implement the same.

SECTION 3. There is hereby appropriated from the general revenues of the state, the sum of $150,000, or so much thereof as may be necessary to be expended by the state planning office to carry out the purpose of this Act. No portion of the funds appropriated to the state planning office by Act 224 of the Session Laws of Hawaii 1959 shall be expended for surveys, studies, general plans and programs contemplated by this Act.

SECTION 4. The state planning office shall make the following survey and study:

a. Ascertain and determine those elements and characteristics that make up and constitute a tourist destination area in Hawaii.
b. Survey and study successful tourist destination areas in other parts of the world and ascertain and determine those elements and characteristics that make up and constitute such successful tourist destination areas.
c. Survey and study all other matters pertaining to tourist destination areas.
d. Prepare plans for the development of destination areas indicating the general layout and required public works appropriations to develop such areas and other related factors.
e. Recommend a program of action for development of tourist destination areas in each county.

SECTION 5. The state planning office shall submit its report on the survey and study and shall also submit such plans and a recommended development program as required under this Act to the legislature within five days prior to its regular budget session convening in February 1960.

SECTION 6. This Act shall take effect on its approval.

(Approved November 13, 1959.) **S.B. 105.**

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## ACT 19

A Bill Relating to the Act of August 18, 1958, Public Law 85-677 (72 Stat. 628).

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Except as amended by this Act, the provisions of the Act of August 18, 1958, Public Law 85-677 (72 Stat. 628) are hereby adopted as a law of the State of Hawaii.

SECTION 2. Section 1 of said Act of August 18, 1958, Public Law 85-677 (72 Stat. 628) is hereby amended to read as follows:

"(a) The reef lands described in Section 2 of this Act are hereby given the status of public lands and are placed under the control of the land board of the State of Hawaii.

(b) The land board is hereby authorized and is directed to continue its present study for the development of said reef lands and shall submit a preliminary report thereof to this legislature at its regular session in 1960 within 10 days after it convenes and shall further submit its program for the development of this area to this legislature at its regular session in 1961 within 10 days after it convenes. Such development program shall be in compliance with federal laws enacted for the protection and preservation of the navigable waters of the United States. The land board, or its duly authorized representative, shall, from time to time during its study, confer with representatives of the board of harbor commissioners and the state planning office.

(c) Said land board shall not, in any way, sell, lease, transfer or otherwise dispose of, nor relinquish or surrender up control, for any length of time, of said lands or any portion thereof until such time as a general development plan has been approved by the legislature."

SECTION 3. All other portions of said Act of August 18, 1958, Public Law 85-677 (72 Stat. 628) are hereby amended by substituting for the words "Territory" or "territorial", wherever they may appear, the word "State".

SECTION 4. **Effective date.** This Act shall take effect upon its approval.

**(Approved November 13, 1959.) S.B. 32.**

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## ACT 20

An Act to Amend Chapter 44 of the Revised Laws of Hawaii 1955 Relating to Revenue Bonds of the University of Hawaii.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Act 190, Session Laws of Hawaii 1959, amending Chapter 44 of the Revised Laws of Hawaii 1955 is hereby repealed.

SECTION 2. Chapter 44 of the Revised Laws of Hawaii 1955 is amended as follows:

(a) By amending section 44-61 to read as follows:

"**Sec. 44-61. Powers of Board.** In addition to the powers which it now possess, the board shall have power to:

"(a) Construct and maintain university projects;

"(b) Prescribe and collect rents, fees and charges for the use or enjoyment of any of the facilities of any university project;

"(c) With the approval of the governor, issue revenue bonds, to finance in whole or in part the cost of construction, or maintenance, or both, of any university project; provided, that the total indebtedness incurred by the board under this part, outstanding at any one time, shall not exceed $5,000,000;

"(d) Pledge to the punctual payment of such revenue bonds, and interest thereon, the revenue of the university project or projects for the construction

or maintenance of which the bonds have been issued, and the revenue of other or all university projects, in an amount sufficient to pay such bonds, and interest as the same shall become due, and to create and maintain reasonable reserves therefor;

"(e) Advance such moneys of the university, not otherwise required, as are necessary to pay the expenses incurred in making the preparations for the initial issuance of revenue bonds under this chapter, and to take any other action necessary or proper for carrying into execution and administering the provisions of this part, including providing for the full utilization of university projects in every way conducive to the furtherance of any or all of the purposes of the university."

(b) By amending section 44-62 to read as follows:

**"Sec. 44-62. Authorization of university projects and revenue bonds.** Authorization of construction, maintenance, or both, of a university project or projects, authorization for issuance of revenue bonds under this part shall be by resolution or resolutions of the board. The resolution may be adopted at the same meeting at which it is introduced by a majority of all the members of the board then in office and shall take effect immediately upon adoption."

(c) By amending section 44-63 to read as follows:

"Revenue bonds shall be issued in the name of the board and shall bear interest at such rate or rates not exceeding six per cent per annum, may be in one or more series, may be in such denomination or denominations, may bear such date or dates, may mature at such time or times not exceeding fifty years from their respective dates, may be payable at such place or places within or without the State, may carry such registration privileges as to principal alone or as to both principal and interest, may be subject to such terms or redemption with or without premium, may be executed in such manner, and may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as the resolution authorizing the issuance of the bonds, or subsequent resolutions may provide. Revenue bonds may be sold at private sale to the United States, or any agency, instrumentality or corporation thereof, to the State or any political subdivision, agency, instrumentality or corporation thereof, or to any person or group of persons offering to purchase all of a major portion of a particular issue or series. Unless sold at private sale as herein provided, revenue bonds shall be sold at public sale after publication of a notice of such sale at least once, the date of publication to be at least five days prior to the date of such sale, and such publication shall be made in a newspaper published and of general circulation in the State and in a financial newspaper published in either of the cities of New York, Chicago or San Francisco. No revenue bonds shall be sold at a price or prices which will result in an interest cost on such bonds in excess of six per cent per annum. Pending the preparation of definitive revenue bonds, interim receipts or temporary bonds may be issued and delivered to the purchasers of such bonds in such form and containing such provisions as the Board may determine. Revenue bonds, interim receipts and temporary bonds shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law, constituting chapter 197.

"It shall be legal for the State and any of its political subdivisions, or any political or public corporation, including the employees' retirement system of the State, or any instrumentality of the State, or any insurance company or building and loan association, or any savings bank or trust company, or any bank or other financial institution operating under the laws of this State, or for any executor, administrator, guardian, trustee or other fiduciary, or any educational, charitable, or eleemosynary institution, to invest their funds, and moneys in their custody in revenue bonds issued under this part."

(d) By deleting section 44-64.

(e) By amending section 44-65 to read as follows:

**"Sec. 44-65. Covenants in resolution authorizing revenue bonds.** Any resolution or resolutions authorizing the issuance of revenue bonds under this part may contain covenants as to: (a) the purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied and the use and disposition thereof; (b) the use and disposition of the revenue of the university project or projects for the construction or maintenance of which the revenue bonds are issued, the use and disposition of the revenue of all university projects, and of the revenue of the university, including the creation and maintenance of reserves and the investment of moneys in such reserves; (c) the use and disposition of the proceeds of the sale of any university project, or part thereof; (d) the construction and maintenance of any university project other than the university project or projects for the construction or maintenance of which revenue bonds are issued; (e) the issuance of other or additional revenue bonds payable either from the revenue of the university project or projects for the construction or maintenance of which the revenue bonds are issued or payable from the revenue of other university projects; (f) the maintenance of the university project, including the creation by the board of such supervisory positions, which shall not be subject to the provisions of chapters 3 and 4, as are necessary to facilitate the issuance of revenue bonds by ensuring the adequacy of revenues; (g) the insurance to be carried on university projects and the use and disposition of insurance moneys; (h) books of account and inspection and audit thereof; (i) a procedure by which the terms and conditions of the bond indenture may be subsequently amended or modified with the consent of the board, the vote or written assent of the holders of bonds or any proportion of such holders, or any trustee thereof; and (j) the terms and conditions upon which the holders of bonds evidencing the obligation to repay loans, or any proportion of such holders, or any trustee thereof, shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of the university project or projects, maintain them, prescribe rents, fees and charges, and collect, receive, and apply all revenue thereafter arising therefrom in the same manner as the board itself might do, but the receiver shall have no power, nor be granted any power, to utilize, or permit the utilization of, any university project other than in a manner consistent with and in furtherance of the purposes of the university. The provisions of this part and any such resolution or resolutions shall be a contract with the holders of bonds issued under this part, and the

duties of the board and any such resolution or resolutions shall be enforceable by any bondholder by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction."

(f) By amending section 44-66 to read as follows:

"**Sec. 44-66. Validity of bonds.** Revenue bonds issued under this part shall bear the signatures of the chairman and executive officer of the board. Revenue bonds bearing the signature of officers in office at the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to be officers. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the construction or maintenance of the university project or projects for which the bonds were issued. The resolution authorizing the issuance of revenue bonds may provide that the bonds shall contain a recital that they are issued pursuant to this part, which recital shall be conclusive evidence of their validity and of the regularity of their issuance."

(g) By amending section 44-67 to read as follows:

"**Sec. 44-67. Bonds.** The resolution or resolutions authorizing issuing of revenue bonds may pledge to the payment thereof all or any part of the revenue of the University, and such pledge shall constitute a lien on the revenue of the University to the extent and in the manner in said resolution or resolutions provided prior and paramount to any claim or other obligation of any nature against said revenue subsequently arising or subsequently incurred. The Board may provide in such resolution or resolutions that all revenue bonds of the same issue shall be equally and ratably secured without priority by reason of number, date or maturity of the bonds, date of sale, execution or delivery thereof. Any pledge of revenues contained in any resolution or resolutions adopted under the provisions of this part shall be valid and binding from and after the adoption of such resolution or resolutions without physical delivery of the revenues therein pledged or the necessity of any further action by the State or the Board, or any officer or agent of either the State or Board."

(h) By amending section 44-68 to read as follows:

"**Sec. 44-68. Bonds not State obligations.** No holder or holders of any revenue bonds issued under this part shall ever have the right to compel any exercise of the taxing power of the State to pay such bonds, or interest thereon. Each revenue bond shall recite in substance that the obligation or bond, respectively, including interest thereon, is payable from the revenue pledged to the payment thereof, and that the bond does not constitute a debt of the State within the meaning of any limitation of law."

(i) By deleting the word "loans" and the comma following it from section 44-69.

(j) By amending section 44-70 to read as follows:

"**Sec. 44-70. University project fund.** The treasurer of the State shall establish as a special deposit in the treasury of the State, a special fund into which all revenues received from all university projects constructed, maintained, or both, by the board under the provisions of this part shall be paid, which special fund is hereby created and shall be known as the uni-

versity project fund. All moneys in the university project fund are hereby appropriated except as limited or prohibited by the covenants in the resolution or resolutions of the board authorizing the issuance of revenue bonds under this part: (a) to provide for all costs of construction and maintenance of university projects, including reserves therefor; (b) to pay when due all revenue bonds, and interest thereon, for the payment of which such revenue is or has been pledged, charged or otherwise encumbered, including reserves therefor; (c) to reimburse the university for all moneys advanced to pay the expenses incurred in making the preparations for the initial issuance of revenue bonds under this part; and (d) to provide a reserve for betterments to university projects. If adequate provision has been made for all the foregoing purposes, and if permitted by the covenants in the resolution or resolutions authorizing the issuance of revenue bonds under this part, any surplus moneys remaining in the university project fund at the end of any fiscal year may be expended by the board in subsequent years in furtherance of any or all of the purposes of the university.

"The comptroller of the State shall open and keep in his books a separate and special account of the university project fund which shall be known as the university project fund account and which shall at all times show the exact condition thereof, including reserves.

"Moneys appropriated as hereinabove provided shall be payable by the treasurer of the State, upon warrants issued by the comptroller of the State, upon vouchers approved by the board or its duly authorized agent."

(k) By amending section 44-71 to read as follows:

**"Sec. 44-71. University project, bonds exempt from taxation.** The property and revenue of any university project shall be exempt from all State, county and municipal taxation and assessments. Revenue bonds issued under this part, and all income therefrom shall be exempt from all State, county and municipal taxation except inheritance, transfer and estate taxes."

(l) By adding a new section to be numbered 44-73 and to read as follows:

**"Sec. 44-73. Funding and refunding bonds; authorization and purpose.** The board may, with the approval of the governor, provide for the issuance of revenue bonds (herein referred to as refunding bonds) for the purpose of refunding, redeeming or retiring at maturity, or within one year prior to maturity or the first date upon which the outstanding bonds to be refunded may be called for redemption, any bonds issued under the provisions of this part, including any bonds which the holders may consent to be paid or refunded even though such bonds are not matured or are not callable or redeemable, and for the purpose of funding indebtedness not evidenced by revenue bonds but which was incurred for purposes for which revenue bonds may be issued pursant to this part. All provisions of this part applicable to the issuance of revenue bonds shall be complied with in the issuance of refunding bonds. Refunding bonds shall be sold as provided in section 44-63, or the board may, in its discretion, provide for the exchange of refunding bonds for a like principal amount of outstanding bonds for the refunding of which the issuance of such refunding bonds has been authorized, whether or not the interest rate on the refunding bonds is higher than the interest rate on the bonds refunded thereby."

(m) By adding a new section to be numbered 44-74 and to read as follows:

"**Sec. 44-74. Funding and refunding bonds; principal amount.** Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds or indebtedness to be funded or refunded thereby, and for the payment of all expenses paid or incurred in connection with the calling, redeeming, retiring or paying of such indebtedness or outstanding bonds, and the issuance of such refunding bonds. Such expenses may include the amount necessary for the payment of interest upon such refunding bonds from the date of delivery thereof to the date upon which the principal of the outstanding bonds to be refunded will be paid whether at maturity or pursuant to a call for redemption thereof, or pursuant to agreement with the holders thereof, plus in any case the amount of the premium, if any, required to be paid in order to call or retire such outstanding bonds."

(n) By adding a new section to be numbered 44-75 and to read as follows:

"Sec. 44-75. 'Revenue Bonds' mean revenue bonds, interim certificates, notes, debentures, or other evidence of indebtedness of the board authorized by the provisions of this part."

(o) By adding a new section to be numbered 44-76 and to read as follows:

"Sec. 44-76. Notwithstanding any other provision to the contrary, nothing in this chapter shall be construed to authorize the authority to incur any indebtedness contrary to the provisions of Article VI, section 3, paragraph 7, of the Constitution of the State of Hawaii."

SECTION 3. Nothing in this act shall be construed as altering or impairing any obligations under any existing instrument evidencing indebtedness or any outstanding loan agreement or bond indenture, nor shall this act be construed as altering the rights of the holders of any outstanding revenue bonds heretofore issued under the authority of this part, except as such alteration may have been provided or permitted by the terms and conditions of the resolution, loan agreement, bond indenture, or instrument evidencing such indebtedness, or except as such alteration may be consented to by the parties in interest thereto.

SECTION 4. This act shall take effect upon its approval.

(Approved November 18, 1959.) **S.B. 81.**

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## ACT 21

A Bill Relating to Lands Beneath or Formerly Beneath Tidal Waters in the State.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. (a) The governor shall, after receiving the advice of the land board, the board of harbor commissioners, and the director of state planning, give the status of public lands to reclaimed lands heretofore or hereafter filled in or made and which have not been filled in or made contrary to the public interest. Thereupon chapter 99 of the

Revised Laws of Hawaii 1955, as amended, and all other laws of the state relating to public lands shall apply to the reclaimed lands given the status of public lands by the governor.

(b) Any reclaimed lands which have been or may be filled in or made contrary to the public interest shall have the status of public lands and shall be disposed of only with the approval of the legislature.

SECTION 2. Whenever, in connection with reclaimed lands or the reclamation of lands beneath tidal waters by authority of law, the land board deems it advantageous to the state in order to settle the rights (littoral or otherwise), if any, of an abutting owner, or to consolidate the holdings of public lands in the vicinity or provide public ways or access to the public lands, it may with the approval of the governor and two thirds of the members of the land board sell, lease or transfer by way of an exchange, to such abutting owner, or an owner whose land is needed for such consolidation of public holdings, access or ways, without public auction but subject to any limitation of the land laws of Hawaii and to the provisions of the Act of August 21, 1958 of the 85th Congress, P. L. 85-718 in respect of the area and value of land that may be conveyed by way of exchange, lands having the status of public lands.

SECTION 3. As used in this Bill:

The term "lands beneath tidal waters" means all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide, within the boundaries of the state.

The term "reclaimed lands" refers to filled in or made lands which formerly were lands beneath the tidal waters.

SECTION 4. This Bill shall take effect upon approval.

**(Approved November 19, 1959.) S.B. 33.**

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## ACT 22

An Act Relating to the Construction of Water Development Projects and Authorizing Issuance of General Obligation Bonds to Finance the Same.

WHEREAS, the first sentence of the second paragraph of section 3 of Article VI of the Constitution of this State provides that $60,000,000 is established as the limit of the funded debt of the State at any time outstanding and unpaid; and

WHEREAS, pursuant to the Constitution of the State of Hawaii, a two-thirds vote of all the members to which each house of the legislature is entitled may authorize the issuance of bonds in excess of such limit of funded debt, provided such excess debt, at the time of authorization, would not cause the total of State indebtedness to exceed a sum equal to fifteen per cent of the total of assessed values for tax rate purposes of real property in the State, as determined by the last tax assessment rolls pursuant to law; and

WHEREAS, it is the intention of the legislature to authorize such excess debt in the manner provided by the Constitution; now, therefore,

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. There is hereby appropriated for the construction of water development projects throughout the State the sum of $6,000,000 or so much thereof as may be necessary, out of any moneys hereafter received by the treasurer of the State of Hawaii, for or on account of bond funds, under the terms of this Act.

General obligation bonds may be issued therefor in excess of the debt limit established by the first sentence of the second paragraph of section 3, Article VI, of the Constitution of this State; provided the excess debt hereby authorized, when added to the funded debt outstanding and unpaid and to the amount of all unissued bonds previously authorized in the manner provided by the second sentence of the second paragraph of section 3 of Article VI, shall not at the time of the authorization made by this Act, cause the total of such State indebtedness to exceed a sum equal to fifteen per cent of the total of assessed values for tax rate purposes of real property in the State as determined by the last tax assessment rolls pursuant to law, otherwise the provisions of this Act shall not take effect.

SECTION 2. The appropriation made in Section 1 shall be for projects designated by any Act of prior Territorial Legislature for which projects moneys have not been heretofore partially or fully allotted and shall be expended as follows:

(a) Water development projects on Oahu.....$3,300,000
(To be expended by the Board of Water Supply, City and County of Honolulu, on the advice and consent of the City Council.)

(b) Water development projects in the County of Hawaii;
(1) Kona Water Development.....$ 400,000
(2) East Hawaii Water Development.....$ 800,000
(To be expended by the Board of Water Supply, County of Hawaii, on the advice and consent of the Board of Supervisors, County of Hawaii.)

(c) Water Development projects in the County of Maui...$ 900,000
(To be expended under the supervision of the Board of Supervisors, County of Maui.)

(d) Water Development projects in the County of Kauai..$ 600,000
(To be expended under the supervision of the Board of Supervisors, County of Kauai.)

SECTION 3. The appropriation made in this Act shall be deemed to include cost of acquisition of necessary land, preparation of plans and construction of the projects for which it is used.

SECTION 4. This Act shall, upon its passage by a two-thirds vote of all the members to which each house of the legislature is entitled, take effect when approved in the manner provided by the Constitution of the State.

(Approved November 19, 1959.) **S.B. 86.**

## ACT 23

An Act Relating to Public Improvements and Financing Thereof, Making Appropriations for Public Improvements and Providing for the Issuance of General Obligation Bonds.

WHEREAS, the first sentence of the second paragraph of section 3 of Article VI of the constitution of this state provides that $60,000,000 is established as the limit of the funded debt of the state at any time outstanding and unpaid; and

WHEREAS, pursuant to the constitution of the state of Hawaii, a two-thirds vote of all the members to which each house of the legislature is entitled may authorize the issuance of bonds in excess of such limit of funded debt, provided such excess debt, at the time of authorization, would not cause the total of state indebtedness to exceed a sum equal to fifteen per cent of the total of assessed values for tax rate purposes of real property in the state, as determined by the last tax assessment rolls pursuant to law; and

WHEREAS, it is the intention of the legislature to authorize such excess debt in the manner provided by the constitution; now, therefore,

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. (a) There is hereby appropriated the sum of $5,000,000 for the acquisition of land, preparation of plans and the construction of state buildings out of any moneys hereafter received by the treasurer of the state of Hawaii, for or on account of bond funds, under the terms of this Act.

General obligation bonds may be issued therefor in excess of the debt limit established by the first sentence of the second paragraph of section 3, Article VI, of the constitution of this state; provided the excess debt hereby authorized, when added to the funded debt outstanding and unpaid and to the amount of all unissued bonds previously authorized in the manner provided by the second sentence of the second paragraph of section 3 of Article VI, shall not at the time of the authorization made by this Act cause the total of such state indebtedness to exceed a sum equal to fifteen per cent of the total of assessed values for tax rate purposes of real property in the state as determined by the last tax assessment rolls pursuant to law, otherwise the provisions of this Act shall not take effect.

(b) The foregoing appropriations shall be expended by the superintendent of public works, on projects heretofore authorized by the legislature, as follows:

| | |
|---|---|
| (1) Oahu | $2,750,000 |
| (2) West Hawaii | 350,000 |
| (3) East Hawaii | 650,000 |
| (4) Maui | 750,000 |
| (5) Kauai | 500,000 |

SECTION 2. This Act shall, upon its passage by a two-thirds vote of all the members to which each house of the legislature is entitled, take effect when approved in the manner provided by the constitution of the state.

(Approved November 19, 1959.) **S.B. 87.**

## ACT 24

An Act Relating to County and Municipal Bonds and Amending Chapter 139 of the Revised Laws of Hawaii 1955, as Amended.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 139 of the Revised Laws of Hawaii 1955, as amended is hereby amended in the following respects:

a. The first paragraph of section 139-1 is amended to read as follows:

"The treasurer of each county may, upon authorization of the board of supervisors, issue from time to time bonds of such county, with interest coupons attached thereto, to an amount not to exceed ten percent of the total of the assessed values for tax rate purposes of real property in such county, as determined by the last tax assessment rolls pursuant to law, nor to exceed in one fiscal year, two percent of such assessed values in such county, the principal and interest to be paid dollar for dollar in any coin or currency of the United States which at the time of payment is legal tender for public and private debts, in the manner, upon the terms and for the purposes of this chapter stated. For the purposes of this chapter, board of supervisors shall include the city council of the city and county of Honolulu, and from and after January 2, 1961, treasurer of each county shall include the director of finance of the city and county of Honolulu."

b. The second paragraph of section 139-1 is deleted.

c. Section 139-2 is amended to read as follows:

"Such bonds shall be issued only for public improvements of the county."

d. Sections 139-3, 139-4, 139-5, 139-6, 139-7, 139-8 and 139-9 are deleted.

e. Section 139-10 is amended to read as follows:

"All bonds issued under the authority of this chapter shall be exempt from any and all taxes whatsoever and the payment of the principal and interest thereof shall be a first charge on the general revenues of the county issuing same."

f. Section 139-11 is amended to read as follows:

"Except as otherwise provided, the proceeds of the bonds so issued shall be exclusively devoted to the purposes for which the same are issued."

SECTION 2. This Act shall take effect upon its approval.

**(Approved November 19, 1959.) S.B. 97.**

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## ACT 25

An Act Relating to Public Off-Street Parking Facilities in the Urban District or Any Portion Thereof, Within the County of Maui, as Defined and Described in Section 148-120, Revised Laws of Hawaii 1955, and the Financing Thereof by the Issuance of Revenue Bonds.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Authorization.** There are hereby authorized to be issued by the board of supervisors of the county of Maui, as provided by chapter 140 of the Revised Laws of Hawaii 1955, as amended, revenue bonds in the sum not to exceed five hundred thousand dollars ($500,000.00), payable

solely from revenues derived from the public undertaking hereinafter designated and for the purpose of financing public off-street parking facilities in the urban district, or any portion thereof, within the county of Maui as defined and described in section 148-120 of the Revised Laws of Hawaii 1955.

The public undertaking, the revenues of which are hereby charged with the payment of the principal and interest of said bonds, is hereby designated as the Maui public off-street parking facilities project. The term "public off-street parking facilities," whenever used in this Act, shall mean public off-street parking facilities as that term is defined in chapter 148, part I, of the Revised Laws of Hawaii 1955, as amended. The Maui public off-street parking facilities project shall be under the control and management of the county of Maui, which shall operate and maintain the same, shall charge and collect said revenues, and take all the steps necessary and proper for such undertaking, as provided by law.

SECTION 2. The county of Maui is hereby authorized to advance the cost of the issuance of the bonds authorized by section 1 of this Act, and other preliminary expenses, including plans, surveys and appraisals, or in its discretion to appropriate the amount required for such costs and expenses from any of its available funds, including the highway fund. The county of Maui is further authorized to make advances to meet bond requirements for principal and interest for the said public off-street parking facilities project until the fees or charges collected therefrom are sufficient to meet the current bond requirements, operations and maintenance, whereupon and in any event within five years from the date of the completion of the project, the general fund of the county of Maui shall be reimbursed for such advances heretofore or hereafter made.

SECTION 3. Chapter 140 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the last sentence of the second paragraph of section 140-1 thereof to read as follows:

"The term 'undertaking' shall also mean the Honolulu public off-street parking facilities project as defined in chapter 149, and the public off-street parking facilities as defined in chapter 148, part I,"

SECTION 4. Notwithstanding any provision or provisions appearing in chapter 148, part I, of the Revised Laws of Hawaii 1955, as amended, pertaining to the application of the appropriate provisions of chapter 148, part VI, of the Revised Laws of Hawaii 1955, to improvement by assessment for the acquisition, improvement, construction, maintenance, repair and operation of public off-street parking facilities in such urban district, or any portion thereof, the board of supervisors of the county of Maui may, in the proper exercise of its discretion, finance the acquisition, improvement, construction, maintenance, repair and operation of the public off-street parking facilities project set forth herein by the issuance of revenue bonds subject to the provisions and limitations of chapter 140 of the Revised Laws of Hawaii 1955, as amended. The board of supervisors of said county may finance such public off-street parking facilities project by the issuance of revenue bonds as set forth under this Act either for the total cost of such project or for a portion of the cost thereof.

SECTION 5. This Act shall take effect upon its approval.

(Approved November 19, 1959.) **S.B. 106.**

## ACT 26

An Act to Amend Part I, Chapter 148, Revised Laws of Hawaii 1955, as Amended, Relating to Public Off-Street Parking Facilities Within the County of Maui.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Part I, Chapter 148 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be numbered and to read as follows:

"**Sec. 148-7. Public off-street parking facilities; method of construction; procedure; operation.** The board of supervisors of the county of Maui may acquire, improve, construct, maintain, repair and operate public off-street parking facilities within any portion in the urban district of the county of Maui, as designated and described in part VI of this chapter. The term 'public off-street parking facilities' means and includes land necessary or convenient for public off-street parking, rights of way, streets or alleys necessary or convenient for ingress to or egress from such public off-street parking facilities, buildings, equipment or any other property necessary or convenient for off-street parking purposes. Unless it clearly appears from the context of a provision in part VI of this chapter, relating to improvement by assessment, that the same is inapplicable, the provisions of said part VI of this chapter applicable to the improvement and construction of a storm drainage system shall apply to the acquisition, improvement and construction of public off-street parking facilities and the board for the purpose of acquiring, improving or constructing such public off-street parking facilities may, in accordance with the procedure established by the provisions of said part VI of this chapter applicable to the construction of a storm drainage system, create within the said urban district or any portion thereof one or more public off-street parking districts, acquire, improve or construct public off-street parking facilities levy assessments against the land within such public off-street parking district either on a frontage basis or according to the area of such land or on both area and frontage basis to pay the entire cost and expenses of the acquisition, improvement or construction of such facilities, collect and enforce all assessments levied, and issue, sell and pay bonds which may be necessary to provide the funds to pay the cost of such facilities; provided that land owned by or in the possession of the United States or any of its agencies, or the state or any of its political subdivisions or agencies which cannot lawfully be made subject to the assessments provided for herein, or any other land which in the judgment of the board will not be benefited by the acquisition, improvement or construction of such facilities, shall not be included within such district; and provided that no land to be acquired hereunder for public off-street parking facilities shall be assessed; and provided, further, that it shall be lawful for the board to, and it may, contribute out of any available funds, including the highway fund of the said county, up to one-half of the total cost of the acquisition, improvement and construction of such facilities.

All of the provisions of part VI of this chapter relating to assessments and bonds shall be applicable to any assessment made or bonds issued under the provisions of this section."

SECTION 2. This Act shall take effect upon its approval.

(Approved November 19, 1959.) **S.B. 107.**

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## ACT 27

An Act Relating to Officers and Employees of the City and County of Honolulu Transferred or Appointed to Positions as a Result of the Abolition or Reorganization of Agencies Pursuant to the Charter of the City and County of Honolulu.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The following terms whenever used and referred to in this Act shall have the following respective meanings:

(a) "Charter" means the charter of the city and county of Honolulu, as amended, ratified and approved by Act 261 of Session Laws of Hawaii 1959;

(b) "Civil service employee or officer" means an employee or officer in the employ of the city and county of Honolulu as of June 30, 1959 and whose position was covered by chapter 3 of the Revised Laws of Hawaii 1955 or chapter 6 of article V of the charter;

(c) "Non-civil service employee or officer" means and employee or officer in the employ of the city and county of Honolulu as of June 30, 1959 and whose position was not covered by chapter 3 of the Revised Laws of Hawaii 1955 or chapter 6 of article V of the charter;

(d) "Civil service position" means a position covered by chapter 6 of article V of the charter which is within any department, board, commission or office of the city and county of Honolulu or any bureau, division or subdivision thereof.

SECTION 2. Every civil service employee or officer transferred or appointed, or who may be transferred or appointed hereafter, to a civil service position as a consequence of the reorganization provisions of the charter shall be continued as a civil service employee or officer without change in civil service status, reduction in salary range, loss of vacation or sick leave allowances, service credit or other rights and privileges and without the necessity of examination; provided, that such employee or officer possesses the minimum qualifications for the position to which he is transferred or appointed.

SECTION 3. Every non-civil service employee or officer transferred or appointed, or who may be transferred or appointed hereafter, to a civil service position as a consequence of the reorganization provisions of the charter shall become a civil service employee without loss of vacation or sick leave allowances, service credit or other rights and privileges and without the necessity of examination; provided, that such employee or officer possesses the minimum qualifications for the position to which he is transferred or appointed. This section shall not apply to provisional, temporary or contractual employees.

SECTION 4. This Act shall take effect upon its approval.

(Approved November 23, 1959.) **S.B. 72.**

## ACT 28

A Bill Relating to Taxes.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The first sentence of subsection (b) of section 116-4 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Each board shall hold public meetings at some central location in its taxation division, commencing not later than March 20 of each year and shall hear, as speedily as possible, all appeals presented for each year."

SECTION 2. The first sentence of section 126-3 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"In order to secure under this chapter an exemption of real property from the taxes imposed by chapter 128, a public utility shall annually, between January 1 and 15, file with the tax assessor a return of such property in such form as shall be prescribed by the commissioner, setting forth its claim to the exemption."

SECTION 3. Line five of section 128-12 of the Revised Laws of Hawaii 1955 as amended is hereby amended by deleting the word and figure "January 31" and substituting therefor the word and figure "January 15".

SECTION 4. Subsection (a) (2) (iii) of section 128-13 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"That where the taxpayer has acquired his home by a deed made on or after July 1, 1951, the deed shall have been recorded prior to January 1 of the year for which the exemption is claimed;"

SECTION 5. Subsection (2) of section 128-14 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"A residential building on land held by the lessee or his successor in interest under a lease for a term of five years or more for residential purposes and owned and used as a residence by such lessee or his successor in interest, as the case may be, where the lease and any extension, renewal, assignment or agreement to assign the lease, have been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease;"

SECTION 6. The first paragraph of subsection (3) of section 128-14 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises."

SECTION 7. Subsection (b) of section 128-14.5 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"No exemption under section 128-13 shall be allowed unless there is

on file, on January 15 of the year for which such exemption is claimed, a return and claim as prescribed by subsection (a) and unless the same is in effect on such day."

SECTION 8. Subsection (e) of section 128-14.5 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"If the assessor is of the view that, for any tax year, the exemption should not be allowed or should not have been allowed, in whole or in part, he may at any time within five years of January 1 of that year disallow the exemption for that year, in whole or in part, and may add to the assessment list for that year the amount of value involved, in the manner provided by section 128-34 for the assessment of omitted property; provided, that if an assessment or addition under this subsection is made after March 31 of the tax year the taxes on the amount of value involved in the assessment or addition so made shall not be a lien under section 128-38 but may be made a lien by recording a certificate setting forth the amount of tax involved, penalties and interest, and the provisions of section 117-39 are hereby made applicable."

SECTION 9. The second paragraph of subsection (d) of section 128-15 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"For the purposes of this section, the word 'home' includes the entire homestead when it is occupied by a qualified totally disabled veteran as a home; houses where the disabled veteran owner sublets not more than one room to a tenant; and premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 of the year for which exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises."

SECTION 10. Line 10 of subsection (c) of section 128-22 of the Revised Laws of Hawaii 1955 as amended is hereby amended by deleting therefrom the word and figure "January 31" and substituting therefor the word and figure "January 15".

SECTION 11. Subsection (d) of section 128-22 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Real property with respect to which the owner has granted to the State or any county thereof a right of entry and upon which the State or county has entered and taken possession under the authority of the right of entry with intention to acquire the fee simple estate therein and to devote the real property to public use; provided the State or county shall have, prior to January 15 of the year for which such exemption is claimed, certified to the appropriate tax official the date upon which it took possession;"

SECTION 12. The first sentence of subsection (e) of section 128-22 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Any portion of real property within the area upon which construction of buildings is restricted or prohibited and which is actually rendered useless and of no value to the owners thereof by virtue of any ordinance of any county, establishing setback lines thereon; provided, that in order

to secure such exemption the person claiming it shall annually file between January 1 and 15 a sworn written statement with the tax assessor describing the real property in detail and setting forth the facts upon which exemption is claimed, together with a written agreement that in consideration of the exemption from taxes he will not make use of such land in any way whatsoever during the ensuing year."

SECTION 13. The first sentence in the first paragraph of section 128-23 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Whenever the commissioner finds that the filing of returns under this paragraph is advisable for the making of assessment and so orders, the assessor shall give, to the taxpayers of his division during the month of December of the year such order is made, public notice (by publication thereof, in English, at least three times on different days during the month, in a newspaper of general circulation in such division, published in the English language) requiring such taxpayers to file with the assessor, on or before January 15 of the succeeding year, returns in the manner and form required by this section."

SECTION 14. The first sentence in the first paragraph of section 128-24 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"In every taxation division, pursuant to this section and without the ordering of returns by the commissioner, every person owning, or having possession, custody or control of, real property in such division used for the grazing of any herd of cattle, sheep, horses or mules, shall, on or before January 15, file upon forms prescribed by the commissioner, a return setting forth a brief description and the location of such real property, together with the information relating to the assessment of such real property required by, and in the manner required by, such forms."

SECTION 15. The first sentence in the first paragraph of section 128-27 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Each year, on or before March 10, the assessor of each division shall give notice of the assessments in his division for such year against each known owner, by personal delivery to such owner of or by mailing to him on or before such date postage prepaid and addressed to him at his last known place of residence or address a written notice describing briefly the property involved and setting forth the valuation placed upon it, determined pursuant to the provisions of this chapter, the exemption, if any, allowed or denied, as the case may be, and the net taxable value of the property."

SECTION 16. The second paragraph of section 128-27 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"In addition to the foregoing, the assessor of each division shall in each year give notice of the assessments in his division for such year by public notice (by publication thereof in English at least three times on different days during the month of February of such year in a newspaper of general circulation in such division, published in the English language) of a time when (which shall be not less than a period of ten

days prior to March 20 of such year) and of a place where the records of taxable properties maintained in such division showing all assessments made for such division may be inspected by any person for the purpose of enabling him to ascertain what assessments have been made against him or his property and to confer with the assessor so that any errors may be corrected before the filing of the assessment list."

SECTION 17. The first sentence of section 128-28 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"On or before March 31 of each year the commissioner shall have prepared from the records of taxable properties maintained in each division a list in duplicate of all assessments made for each district in such division, which list shall be signed and sworn to by the person preparing it."

SECTION 18. The last sentence of section 128-28 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"The original of the assessment lists shall be retained by the commissioner and the duplicate copy shall be retained by the assessor."

SECTION 19. Section 128-30 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Any taxpayer who may deem himself aggrieved by an assessment made by the assessor or by the assessor's refusal to allow any exemption, may appeal from such assessment or from such refusal to a board of review or the tax appeal court, on or before March 20 of the assessment year, as provided in chapter 116."

SECTION 20. The first paragraph of section 128-31 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"The tax collector shall prepare tax ~~r~~olls for his division from the district assessment lists provided for by section 128-28, showing thereon valuation, exemptions allowed, taxable value, names and addresses of the assessed and amount of taxes in each case. A certified copy of the tax rolls shall be filed with the commissioner."

SECTION 21. The last sentence in subsection (a) of section 129-2 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"The resolution fixing the tax rate in each county shall be adopted on or before April 20 of the year for which property tax revenues are to be raised."

SECTION 22. Subsection (b) of section 129-2 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"In determining the property tax rate each board shall take as the basis for calculation the aggregate value of taxable realty within the county as assessed for tax purposes as of March 20 of the current year and in all cases where appeals from the commissioner's assessment are then unsettled the values used in determining the aggregate shall be the value claimed by the taxpayer in each case, plus fifty per cent of the value in dispute."

SECTION 23. Subsection (e) of section 129-2 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"The commissioner shall, on or before March 31 of each year, furnish

each board with a calculation, certified by him as being as nearly accurate as may be, of the aggregate value of taxable property within the county, as set forth in this section, plus such additional data relating to the property tax base in the county as the board may request of him in writing."

SECTION 24. This Act shall take effect on July 1, 1960.

(Approved November 25, 1959.) **S.B. 49.**

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## ACT 29

An Act Authorizing Relief for Persons Suffering Property Damage From Hurricane Activity and Making an Appropriation for the Claims Commissions.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. There is hereby established in each county wherein hurricane damage was incurred on August 5 and 6, 1959, a claims commission. Each claims commission shall be composed of three members who shall be residents of that county. At least one of the members of each commission shall be a qualified appraiser. The members of each commission shall be appointed by the governor in the manner provided for by section 6 of Article IV of the Constitution of the State of Hawaii. Each commission shall continue in existence until all losses within their county shall have been fully determined and certified. The members of each commission shall elect their own chairman and shall serve without pay, but shall be reimbursed by the state for their reasonable expenses. Each member of each commission shall have the power to administer oaths or affirmations with respect to any matters coming within the scope of the duties of each commission.

SECTION 2. In case of the damage or destruction of real or personal property of a taxpayer as the result of the hurricane activity on August 5 and 6, 1959, the tax commissioner is authorized to remit, refund, or forgive the taxes hereinafter mentioned, due or to become due from said taxpayer suffering such loss, in the manner hereinafter set forth, to wit:

The taxpayer shall, on or before December 31, 1959, or such other date as may be prescribed by each claims commission, file a claim, under oath, with each claims commission setting forth the amount of his loss. Each commission shall thereupon investigate such claim and determine the total loss suffered by reason of the damage or destruction of the real or personal property, less insurance recoveries, payments on account of such loss under the Sugar Act of 1948 (61 Stat. 922, Chap. 519) or under Public Law 875, 81st Congress, Second Session, as either act may be amended or supplemented, or other recoveries, and shall certify as soon as practicable the amount of such loss to the tax commissioner. The finding of each commission as to the amounts of such loss shall be final, subject to the provisions of section 2 and 3 hereof. Upon receipt of such certification, the tax commissioner is hereby authorized to and shall remit, refund, or forgive, for a period not to exceed five years com-

mencing with the year 1959, (1) all real property taxes for said year 1959, and thereafter as above provided, due and payable by said taxpayer on account of any real property, and (2) all taxes due under the provisions of chapter 117, Revised Laws of Hawaii 1955, as amended, from said taxpayer on account of any trade or business conducted by said taxpayer for said 1959, and thereafter as above provided, until the amount of such loss certified as aforesaid shall have been fully recovered, whichever shall first occur.

SECTION 3. The claim to be filed on or before December 31, 1959, or such other date as may be prescribed by each claims commission, setting forth the amount of the taxpayer's loss and the certification of each claims commission, shall be subject to review by each commission from time to time in the event substantial new evidence should show more accurately the amount of loss suffered from damage to or destruction of real or personal property resulting from the hurricane activity. In such event, the taxpayer shall have the right to file amended claims and each commission shall have the authority to hold hearings to require further proof from time to time of the amount of the loss claimed in the initial filing of the taxpayer, but in no event shall such amendments or further hearings be allowed or required after December 31, 1961, and the determination of the loss by each commission as of that date shall be final. In the event of any change in the amount of the certification furnished to the tax commissioner, each claims commission shall notify the tax commissioner of such adjustments, and appropriate changes in the remitting, refunding, or forgiveness of taxes above provided for shall be made by the tax commissioner, as the case may be; and any amount of tax refunded exceeding the amount of loss recoverable may be collected in the same manner as the tax due and payable under chapter 117 or chapter 128, as the case may be.

SECTION 4. The University of Hawaii or its designated representatives are hereby directed to establish standards or formulas which will, as accurately as possible, establish the amount of losses sustained by persons from crop damage due to the hurricane activity. All persons filing claims for crop losses shall make available to the University of Hawaii or its designated agents all information deemed necessary by said University or its agents to establish such standards or formulas. Each claims commission shall adopt the standards or formulas established by the University of Hawaii or its designated representatives and shall apply such standards or formulas in certifying the claims of persons suffering crop losses. Each claims commission shall not certify any claim of any person who refuses to make available such information.

SECTION 5. The tax relief authorized by this Act shall not be applicable to transferees, successors, or assignees of a taxpayer unless such transferees, successors or assignees are members of his immediate family. Nor shall such tax relief be applicable if the tax liability of such taxpayer has no reasonable connection to real or personal property so damaged or destroyed.

SECTION 6. The powers and duties conferred upon the farm loan board relative to making emergency loans from the farm loan fund by Chapter 102 of the Revised Laws of Hawaii 1955, as amended, are

hereby transferred to each of the claims commissions established by this Act and each claims commission established by this Act shall have the power to make emergency loans out of the farm loan fund in accordance with Chapter 102 of the Revised Laws of Hawaii 1955, as amended, until the Department of Economic Development has been created, and its officer or officers have been duly appointed and qualified all in accordance with the Hawaii State Government Reorganization Act of 1959.

SECTION 7. There is hereby appropriated from the general revenues of the state, not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, for all of the claims commissions for the purpose of reimbursement of expenses so incurred by each claims commission from its formation to December 31, 1961.

SECTION 8. Section 121-5(f) of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"(f) Losses of property as the result of tidal wave, hurricane, earthquake, or volcanic eruption, or as a result of flood waters overflowing the banks or walls of a river or stream, or from any other natural disaster, to the extent of the amount deductible, under this chapter, not compensated for by insurance or otherwise, may be deducted in the taxable year in which sustained, or at the option of the taxpayer may be deducted in equal installments over a period of five years, the first such year to be the calendar or fiscal year of the taxpayer in which such loss occurred."

SECTION 9. This Act shall take effect upon its approval.

(Approved November 25, 1959.) **S.B. 79.**

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## ACT 30

An Act Relating to Employees of Public School Cafeterias, and Making Appropriations Therefor.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Part III of Chapter 38, Revised Laws of Hawaii 1955, is hereby amended by adding two new sections to be numbered "38-37.6" and "38-37.7" and to read as follows:

**"Sec. 38-37.6. Cafeteria workers.** All cafeteria workers employed in the department shall be employed under the provisions of chapter 3 and shall have their compensation fixed in accordance with the provisions of chapter 4, and the monthly rates of basic compensation so determined shall be payable for employment over a twelve-month period. All cafeteria workers shall be employed on a full-time basis, except that a limited number of part-time workers may be employed in elementary schools. The department shall establish a schedule, based on factors which determine the need for part-time workers, fixing the number of part-time workers that may be employed in an elementary school. The term 'cafeteria workers' includes all employees of any public school cafeteria other than the cafeteria manager."

**"Sec. 38-37.7. Compensation payable from general fund.** The compensation of all cafeteria workers of all regular public school cafeterias

operating on a full-time basis and covered by the State's national school lunch program agreement shall be paid out of the general fund of the State upon warrants issued by the comptroller of the State based on vouchers approved by the principals of such schools. On or before the last day of each month, the principal of each school operating such cafeteria shall transfer to the general fund of the State an amount which shall be determined by the department for the personnel of each school on the basis of the schedule created in Section 38-37.6, and all such amounts are hereby appropriated for the payment of the compensation of cafeteria workers."

SECTION 2. Notwithstanding the provisions of any other law to the contrary, no cafeteria worker having tenure immediately prior to the effective date of this Act shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges as a consequence of this Act.

SECTION 3. There is hereby appropriated out of the general revenues of the State, not otherwise appropriated, but in addition to the funds appropriated in section 1 of this Act, the sum of $420,000, or so much thereof as may be necessary, to the department of public instruction, to carry out the purpose of this Act for the period beginning November 1, 1959 and ending on March 31, 1960. Such funds shall be expended by the department of public instruction in the same manner as funds appropriated to it in the general appropriation act.

SECTION 4. This Act shall take effect upon its approval.

(Approved November 25, 1959.) **H.B. 47.**

# 1959

# SECOND

# SPECIAL SESSION

# LAWS

# Session Laws Of Hawaii
# Passed By The
# First State Legislature
# Second Special Session
# 1959

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## ACT 1

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An Act Providing for the Reorganization of the Executive and Administrative Offices, Departments and Instrumentalities of the State Government, and Making an Appropriation Therefor.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The constitution of the state of Hawaii (Article IV, Section 6) requires the allocation by law of all executive and administrative offices, departments and instrumentalities of the state government ". . . . . among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable." It is the purpose of this Act to accomplish that allocation within an integrated and comprehensive plan of organization for the exercise of state functions and to provide for the orderly transfer of functions, personnel, records and equipment from existing agencies to newly created agencies, but not to form divisions, bureaus or other subdivisions within any department or office.

Furthermore, this Act provides for the participation of the executive and the legislature in implementing the reorganization hereby directed. The governor is to prepare supplemental legislative bills as may be necessary to accomplish the specific steps of reorganization within the general framework established by this Act and to formally establish the various divisions, bureaus, and agencies within the various departments created herein. The legislature is then to consider and act upon such bills during succeeding legislative sessions in 1960 and 1961 and initiate such other legislation as it my deem desirable. Such procedure is provided in the realization that reorganization of the government of Hawaii is a joint responsibility of the executive and the legislative branches.

SECTION 2. **Title.** This Act may be cited as the Hawaii State Govment Reorganization Act of 1959.

SECTION 3. **Structure of government.** Under the supervision of the governor, all executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated among and within the following principal departments which are hereby established:

1. Department of planning and research (Section 10)
2. Department of personnel services (Section 11)
3. Department of accounting and general services (Section 12)
4. Department of the attorney general (Section 13)
5. Department of budget and review (Section 14)
6. Department of treasury and regulation (Section 15)
7. Department of taxation (Section 16)
8. University of Hawaii (Section 17)
9. Department of education (Section 18)
10. Department of health (Section 19)
11. Department of social services (Section 20)
12. Department of land and natural resources (Section 21)
13. Department of agriculture and conservation (Section 22)
14. Department of Hawaiian home lands (Section 24)
15. Department of economic development (Section 25)
16. Department of transportation (Section 26)

17. Department of labor and industrial relations (Section 27)
18. Department of defense (Section 28)

SECTION 4. **Selection and terms of single executives as heads of departments.** Except as otherwise provided by the constitution of the state of Hawaii or by this Act, each principal department shall be headed by a single executive, who shall be nominated and, by and with the advice and consent of the senate, appointed by the governor, for a term to expire at the end of the term for which the governor was elected. A vacancy occurring during a term shall be filled for the unexpired balance of the term, subject to the provisions of Article IV, Section 6 of the constitution of the state of Hawaii. The governor may, by and with the consent of the senate, remove such single executive.

SECTION 5. **Selection and terms of members of boards and commissions.** The members of each board and commission established by law shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. Unless otherwise provided by this act or by law hereafter enacted, the terms of such members shall be for four years; provided, that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year for each board and commission. Each term shall commence on January 1 and expire on December 31. After the effective date of this Act, no person shall be appointed consecutively to more than two terms as a member of the same board or commission; provided, that membership on any board or commission shall not exceed eight consecutive years.

A vacancy occurring in the membership of any board or commission during a term shall be filled for the unexpired term thereof, subject to the provisions of Article IV, Section 6 of the constitution of the state of Hawaii.

The governor may remove or suspend for cause any member of any board or commission after due notice and public hearing.

Except as otherwise provided by this Act, the provisions of this section shall apply to every board and commission established by this Act, or existing or established after the effective date of this Act. The term of each member of any board or commission existing on the effective date of this Act shall terminate on December 31, 1959. All new appointments to such board or commission shall thereafter be made in accordance with the provisions of this section.

The provisions of this section shall not apply to ex officio members of boards and commissions or to the board of trustees of the employees' retirement system or to the several county police and liquor commissions.

SECTION 6. **Administrative supervision of boards and commissions.** Whenever any board or commission is established or placed within or transferred to a principal department for administrative purposes or subject to the administrative control or supervision of the head of the department, the following provisions shall apply except as otherwise specifically provided by this Act:

(a) The head of the department shall represent the board or commission in communications with the governor and with the legislature.

(b) The financial requirements from state funds of the board or

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Associate Justice

commission shall be submitted through the head of the department and included in the budget for the department.

(c) All rules and regulations adopted by the board or commission shall be subject to the approval of the head of the department.

(d) The employment, appointment, promotion, transfer, demotion, discharge and job descriptions of all officers and employees of or under the jurisdiction of the board or commission shall be determined by the board or commission subject to the approval of the head of the department and to applicable personnel laws.

(e) All purchases of supplies, equipment or furniture by the board or commission shall be subject to the approval of the head of the department.

(f) The head of the department shall have the power to allocate the space or spaces available to the department and which are to be occupied by the board or commission.

(g) Any quasi-judicial functions of the board or commission shall not be subject to the approval, review or control of the head of the department.

(h) Except as set forth hereinabove, the head of the department shall not have the power to supervise or control the board or commission in the exercise of its functions, duties and powers.

SECTION 7. **Powers and duties of heads of departments.** Except as otherwise provided by this Act, every power and duty conferred by law and required to be performed by any officer, board, department, bureau, commission, administrative agency, or instrumentality of the state existing immediately prior to the effective date of this Act shall hereafter be exercised and performed by the head of the respective department established by this Act, whether the head of the department be a single executive, board or commission.

Except as otherwise provided by this Act, the head of a department may assign any function vested in his department to any subordinate officer or employee as he deems desirable. With the approval of the governor, the head of a department may establish or abolish within his department any division or other administrative unit to achieve economy and efficiency and in accord with sound administrative principles and practices and procedures set forth in section 1 of this Act.

The head of each department may prescribe regulations for the administration of his department, for the conduct of its employees, for the performance of its business, and for the custody, use and preservation of records, equipment and other property pertaining thereto; provided, that such regulations shall not be inconsistent with the requirements of chapters 3, 4 and 7 of the Revised Laws of Hawaii 1955, as amended, or rules promulgated by the governor or other laws of the state of Hawaii.

For the purposes of section 3-20 (o) of the Revised Laws of Hawaii 1955, as amended, the phrase "department head appointed under or in the manner provided in the first paragraph of section 80 of the Organic Act" shall be construed to include a single executive who is a head of a principal department and the executive officer of a board or commission which is the head of a principal department established by this Act.

SECTION 8. **Department staffs.** Except as otherwise provided by this Act and with the approval of the governor, the head of a department

may establish or abolish any subordinate office or position, transfer officers and employees between positions, appoint and remove any subordinate, and change the duties, titles and compensation of offices and positions as is deemed necessary by the head of the department for the efficient functioning of the department, subject to the limitations of available appropriations and of the provisions of chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended.

All officers and employees within a department shall be under the supervision, direction and control of the head of the department, except as otherwise provided by this Act.

SECTION 9. **Office of the lieutenant governor.** Except as otherwise provided by law, the lieutenant governor is designated the secretary of state for inter-governmental relations and shall perform the duties and functions heretofore exercised by the secretary of Hawaii. Such duties and functions shall include, but not be limited to, supervision of elections, recordation of all legislative and gubernatorial acts, certification of state documents and maintenance of an official file of rules and regulations promulgated by state departments, as provided in chapter 7 of the Revised Laws of Hawaii 1955, as amended.

SECTION 10. **Department of planning and research.** The department of planning and research shall be headed by a single executive to be known as the director of planning.

The department shall plan for the optimum use of the human and natural resources of the state. It shall plan for the development of the economy of the state and, as instructed by the governor, shall present such plans to the governor and to the legislature. In its planning and as a service to other departments of the state, the department shall collate factual data relating to the people, resources, needs and development of the state. The department shall prescribe a standardized statistical reporting system.

The functions and authority heretofore exercised by the planning office created by Act 150, Session Laws of Hawaii 1957 (except the tourism development function transferred to the department of economic development), the Hawaii development council and the research functions of the economic planning and coordination authority as heretofore constituted are hereby transferred to the department of planning and research established by this Act.

SECTION 11. **Department of personnel services.** The department of personnel services shall be headed by a single executive to be known as the director of personnel services.

The director shall be a person who (a) has had, during the nine years next preceding his appointment, experience in business or public administration, five of which must have been in public personnel management, (b) has graduated from a recognized college or university with specialization in public administration, political science, economics, business administration, or a related field, and (c) is in sympathy with the principles of the merit system.

The director shall have the authority to prescribe rules and regulations as heretofore exercised by the civil service commission.

The department shall administer the state personnel program, including personnel development and training, and such central personnel

services as recruitment, examination, position classification and pay administration for all departments.

There shall be within the department of personnel services a commission to be known as the civil service commission which shall sit as an appellate body on matters within the jurisdiction of the department of personnel services. The commission shall consist of seven members, one from each county and three at large. At least one member of the commission shall be selected from among persons employed in private industry in skilled or unskilled laboring positions as distinguished from executive or professional positions. The functions, duties and powers of the commission with respect to appeals shall be as heretofore provided by law for the civil service commission and for the loyalty board existing immediately prior to the effective date of this Act.

The functions and authority heretofore exercised by the department of civil service and loyalty board as heretofore constituted are hereby transferred to the department of personnel services established by this Act.

Nothing contained in this section shall be construed as in any manner affecting the civil service laws applicable to the several counties which shall remain the same as if this Act had not been enacted.

SECTION 12. **Department of accounting and general services.** The department of accounting and general services shall be headed by a single executive to be known as the comptroller.

The department shall pre-audit and conduct after-the-fact audits of the financial accounts of all state departments to determine the legality of expenditures and the accuracy of accounts; report to the governor and to each regular session of the legislature as to the finances of each department of the state; manage the inventory, equipment, surplus property, insurance and centralized purchasing programs of the state; manage the preservation and disposal of all records of the state; undertake the program of centralized engineering services, including operation and maintenance of public buildings, for departments of the state; undertake the functions of the territorial or state surveyor; perform the function of data processing; and establish, analyze and enforce accounting and internal control systems.

The Kamehameha day celebration commission is hereby placed within the department of accounting and general services for administrative purposes. The functions, duties and powers, subject to the administrative control of the comptroller, and the composition of the commission shall be as heretofore provided by law.

The functions and authority heretofore exercised by the comptroller, board of commissioners of public archives, the archivist, the disposal committee, and the insurance management, surplus property management and central purchasing functions of the bureau of the budget and the non-highway functions of the department of public works as heretofore constituted are hereby transferred to the department of accounting and general services established by this Act.

SECTION 13. **Department of the attorney general.** The department of the attorney general shall be headed by a single executive to be known as the attorney general.

The department shall administer and render state legal services, in-

cluding furnishing of written legal opinions to the governor, legislature and such state departments and officers as the governor may direct; represent the state in all civil actions in which the state is a party; approve as to legality and form all documents relating to the acquisition of any land or interest in lands by the state; and, unless otherwise provided by law, prosecute cases involving violations of state laws and cases involving agreements, uniform laws or other matters which are enforceable in the courts of the state. The attorney general shall be charged with such other duties and have such authority as heretofore provided by common law or statute.

There shall be within the department of the attorney general a commission to be known as the commission to promote uniform legislation which shall sit in an advisory capacity to the attorney general and to the legislature on matters relating to the promotion of uniform legislation. The composition of the commission shall be as heretofore provided for the commission to promote uniform legislation existing immediately prior to the effective date of this Act.

The commission on subversive activities is hereby placed within the department of the attorney general for administrative purposes. The functions, duties and powers, subject to the administrative control of the attorney general, and the composition of the commission shall be as heretofore provided by law; provided, that the reports of the commission shall be transmitted through the attorney general who may append his remarks thereto.

The functions and authority heretofore exercised by the attorney general, high sheriff and the commission to promote uniform legislation as heretofore constituted are hereby transferred to the department of the attorney general established by this Act.

SECTION 14. **Department of budget and review.** The department of budget and review shall be headed by a single executive to be known as the director of the budget.

The department shall undertake the preparation and execution of the executive budget of the state government; conduct a systematic and continuous review of the finances, organization and methods of each department of the state to assist each department in achieving the most effective expenditure of all public funds and to determine that such expenditures are in accordance with the budget laws and controls in force; have custody of state funds and be responsible for the safekeeping, management, investment and disbursement thereof; and administer state debts.

The functions and authority heretofore exercised by the bureau of the budget (except for insurance management, surplus property management and central purchasing transferred to the department of accounting and general services) and the commission on children and youth, and the funds custody, cash management, debt management and administering of veterans loan functions of the treasurer as heretofore constituted are hereby transferred to the department of budget and review established by this Act.

There shall be within the department of budget and review a commission to be known as the commission on children and youth which shall sit in an advisory capacity to the director of the budget and the

legislature on matters set forth in section 334-2 of the Revised Laws of Hawaii 1955, as amended. The composition of the commission shall be as heretofore provided for the commission on children and youth existing immediately prior to the effective date of this Act.

The employees' retirement system as constituted by chapter 6 of the Revised Laws of Hawaii 1955, as amended, is hereby placed within the department of budget and review for administrative purposes. The functions, duties and powers, subject to the administrative control of the director of the budget, and the composition of the board of trustees of the employees' retirement system shall be as heretofore provided by law.

SECTION 15. **Department of treasury and regulation.** The department of treasury and regulation shall be headed by a single executive to be known as the treasurer.

The department shall protect the interests of consumers, depositors and investors throughout the state. It shall set standards and enforce all laws, rules and regulations governing the licensing and operation of, and register and supervise the conduct of trades, businesses and professions, including banks, insurance companies, brokerage firms and other financial institutions.

The board of examiners of abstract makers, board of accountants, board of barbers, beauty culture board, boxing commission, board of chiropractic examiners, collection agencies advisory board, contractors license board, board of dental examiners, board of registration for professional engineers, architects and surveyors, board of massage, board of medical examiners, board of examiners in naturopathy, board for the licensing of nurses, board of dispensing opticians, board of examiners in optometry, board of osteopathic examiners, board of pharmacy, board of photography, board of private detectives and investigators, public utilities commission, real estate license commission, board of veterinary examiners, and motor vehicle dealers licensing boards in each of the four counties are hereby placed within the department of treasury and regulation for administrative purposes.

The real estate license commission shall consist of seven members, at least four of whom shall be licensed real estate brokers who have been engaged in business as licensed real estate brokers or salesmen for three years immediately preceding their appointments. Four members of the commission shall be residents of the city and county of Honolulu, and one shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, and one shall be a resident of the county of Kauai. So much of section 170-3 of the Revised Laws of Hawaii 1955, as amended, as may be inconsistent with the provisions of this paragraph is hereby amended to conform herewith.

The board for the licensing of nurses shall consist of five members, who shall all be licensed registered nurses of the state. Three members of the board shall be residents of the city and county of Honolulu, and two shall be residents of counties other than the city and county of Honolulu. So much of section 67-3 of the Revised Laws of Hawaii 1955, as amended, as may be inconsistent with the provisions of this paragraph is hereby amended to conform herewith.

The board of pharmacy shall consist of five members who shall all

be graduates of a school or college of pharmacy and shall have been licensed as pharmacists and actively engaged in the practice of pharmacy in the state for at least five years prior to their appointment. Three members of the board shall be residents of the city and county of Honolulu, and two shall be residents of counties other than the city and county of Honolulu. So much of section 71-2 of the Revised Laws of Hawaii 1955, as amended, as may be inconsistent with the provisions of this paragraph is hereby amended to conform herewith.

Except as otherwise provided by this Act, the functions, duties and powers, subject to the administrative control of the treasurer, and the composition of each board and commission shall be as heretofore provided by law.

The treasurer may appoint a hearings officer or officers to hear and decide any case or controversy regarding licenses and the application and enforcement of rules and regulations involving any of the boards or commissions within the department of treasury and regulation. The hearings officer or officers shall have power to hear testimony, find facts, and make conclusions of law and a recommended decision; provided, that such conclusions and decisions shall be subject to review and redetermination by the officer, board or commission which would have heard the case in the first instance in the absence of a hearings officer. Such review shall be upon the facts found by the hearings officer or officers and upon such additional facts as may be heard by the reviewing officer, board or commission. Decisions of the officer, board or commission may in turn be appealed in the manner heretofore provided by law.

The functions and authority heretofore exercised by the treasurer (except funds custody, cash management, debt management and administering of veterans loans transferred to the department of budget and review) as heretofore constituted are hereby transferred to the department of treasury and regulation established by this Act. The treasurer shall also be the insurance commissioner, commissioner of securities and the fire marshal of the state.

SECTION 16. **Department of taxation.** The department of taxation shall be headed by a single executive to be known as the director of taxation.

The department shall administer and enforce the tax revenue laws of the state and collect all taxes and other payments payable thereunder.

There shall be within the department of taxation a board of review for each taxation division and a tax appeal court. The composition of each board of review and the tax appeal court and its respective functions, duties and powers shall be as heretofore provided by law for the boards of review and tax appeal court existing immediately prior to the effective date of this Act.

The functions and authority heretofore exercised by the office of tax commissioner as heretofore constituted are hereby transferred to the department of taxation established by this Act.

SECTION 17. **University of Hawaii.** The university of Hawaii shall be headed by an executive board to be known as the board of regents.

The board of regents shall appoint and may remove an executive officer to be known as the president of the university of Hawaii.

The board shall consist of eleven members, one from each senatorial district and three at large and the president of the university and the superintendent of public instruction as ex officio voting members. No more than six of the members shall be members of the same political party and at least five of the members shall be former students of the university of Hawaii.

The board shall have power, in accordance with the constitution of the state of Hawaii and with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university.

The university of Hawaii as heretofore constituted as a body corporate is continued as the university of Hawaii established by this Act.

SECTION 18. **Department of education.** The department of education shall be headed by an executive board to be known as the board of education.

Under policies established by the board, the superintendent shall administer programs of education and public instruction throughout the state, including education at the pre-school, primary and secondary school levels, post high school vocational and adult education, library services, vocational rehabilitation (subject to the proviso hereinafter set forth), health education and instruction (not including dental health treatment transferred to the department of health), and such other programs as may be established by law.

The function of vocational rehabilitation shall be transferred to the department of social services as soon as such transfer may be made without jeopardizing any federal aid.

The functions and authority heretofore exercised by the department of public instruction (except dental health treatment transferred to the department of health), library of Hawaii, Hawaii county library and Maui county library as heretofore constituted are hereby transferred to the department of education established by this Act.

The management contract between the board of supervisors of the county of Kauai and the Kauai public library association entered into under the provisions of section 45-13 of the Revised Laws of Hawaii 1955, as amended, shall be terminated at the earliest time after the effective date of this Act permissible under the terms of such contract and the provisions of this paragraph shall constitute notice of such termination, and the functions and authority heretofore exercised by the Kauai county library as heretofore constituted and the Kauai public library association over the public libraries in the county of Kauai shall thereupon be transferred to the department of education established by this Act.

The management contracts between the trustees of the library of Hawaii and the friends of the library of Hawaii entered into under the provisions of section 45-1 of the Revised Laws of Hawaii 1955, as amended, and between the library of Hawaii and the Hilo library and reading room association entered into under the provisions of section 45-11 of the Revised Laws of Hawaii 1955, as amended, and between the library of Hawaii and the Hilo library and reading room association entered into under the provisions of section 45-11 of the Revised Laws of Hawaii 1955, as amended, shall be terminated at the earliest time

after the effective date of this Act permissible under the terms of such contracts, and the provisions of this paragraph shall constitute notice of such termination.

Upon the termination of such contracts, the state or the counties shall not enter into any library management contracts with any private association; provided, that in providing library services the board of education may enter into contracts approved by the governor for the use of lands, buildings, equipment and facilities owned by any private association.

There shall be within the department of education a commission in each county to be known as the library advisory commission for such county which shall in each case sit in an advisory capacity to the board of education on matters relating to public library services in the respective county. Each commission shall consist of not less than seven and no more than eleven members.

SECTION 19. **Department of health.** The department of health shall be headed by a single executive to be known as the director of health.

The director of health shall be a person who (a) has been or is eligible to be certified by the American board of preventive medicine and public health, incorporated, or (b) is (1) licensed to practice as a doctor of medicine or osteopathy in the state and has successfully completed at least one year of graduate study leading to a degree in public health, and (2) has had, during the ten years next preceding his appointment, at least six years of practical experience in public health work, including supervision or administration of such work, in communities of not less than 100,000 population, or in the United States public health service as a commissioned medical officer.

There shall be within the department of health a commission to be known as the board of health which shall sit in an advisory capacity to the director of health on matters within the jurisdiction of the department of health. The commission shall consist of nine members, one from each senatorial district and three at large, and the director of social services as an ex officio non-voting member.

The department shall administer programs designed to protect, preserve, care for and improve the physical and mental health of the people of the state. Without limit to the generality of the foregoing, such programs shall include the administration and enforcement of matters and laws of public health of the state, including the program for Waimano home and for the state hospital, but excluding assistance and care for the indigent and the medically indigent.

The functions and authority heretofore exercised by the board of health (excluding assistance and care for the indigent and the medically indigent) and the department of institutions with respect to Waimano home and the state hospital and the dental health treatment function of the department of public instruction as heretofore constituted are hereby transferred to the department of health established by this Act.

The governor shall define and differentiate dental health treatment from dental health instruction and shall provide for the gradual transfer of any personnel within the definition of dental health treatment to the department of health. The provisions of this section shall not be construed to require the transfer from the department of education to the

department of health of any dental hygienist having a teacher's certificate and employed by the department of public instruction immediately prior to the effective date of this Act.

SECTION 20. **Department of social services.** The department of social services shall be headed by a single executive to be known as the director of social services.

The director of social services shall be a person who (a) by reason of graduate study or extensive experience is generally recognized as being professionally associated with the field of social services and (b) has had, during the ten years next preceding his appointment, at least four years of practical experience in public social service work, including supervision or administration of such work in communities of not less than 100,000 population.

There shall be within the department of social services a commission to be known as the board of social services which shall sit in an advisory capacity to the director of social services on matters within the jurisdiction of the department of social services. The board shall consist of nine members, one from each senatorial district and three at large, and the director of health as an ex officio non-voting member.

The department shall administer programs designed to improve the social well being and productivity of the people of the state. Without limit to the generality of the foregoing, the department shall concern itself with the problems of human behavior, adjustment and daily living through the administration of programs of family, child and adult welfare, economic assistance (including costs of medical care), rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of adult and juvenile offenders, public housing and other related programs as provided by law.

The Hawaii housing authority, as now constituted by chapter 74 of the Revised Laws of Hawaii 1955, as amended, shall be a constituent corporate unit of the department of social services with the director of social services as ex officio chairman and included as an additional commissioner of the housing authority, serving for a term consistent with his appointment. Notwithstanding any other provisions of this Act, but subject to the administrative control of the director of social services, the functions, duties and powers of the housing authority, as heretofore provided by law, shall be vested in the Hawaii housing authority.

The board of paroles and pardons is hereby placed within the department of social services for administrative purposes. The functions, duties and powers, subject to the administrative control of the director of social services, and the composition of the board shall be as heretofore provided by law.

The functions and authority heretofore exercised by the department of public welfare, the department of institutions (except for Waimano home and the state hospital transferred to the department of health), the boards of prison inspectors, the bureau of sight conservation and work with the blind, the council on veterans' affairs, and any other agency with respect to the assistance and care of the indigent and medically indigent as heretofore constituted are hereby transferred to the department of social services established by this Act.

SECTION 21. **Department of land and natural resources.** The de-

partment of land and natural resources shall be headed by an executive board to be known as the board of land and natural resources.

The board shall appoint and may remove an executive officer to be known as the director of land and natural resources.

The composition of the board shall be as heretofore provided by law for the board of public lands existing immediately prior to the effective date of this Act with the addition of the director of land and natural resources who shall be an ex officio voting member of the board and the chairman of the board of agriculture and conservation and the director of agriculture and conservation who shall be ex officio non-voting members.

The department shall manage and administer the public lands of the state and the water resources and minerals thereon; and manage the state parks, including historical sites.

The fair commission is hereby placed within the department of land and natural resources for administrative purposes. The functions, duties and powers, subject to the administrative control of the board of land and natural resources, and the composition of the commission shall be as heretofore provided by law (except for the function of planning fairs transferred to the department of economic development).

On September 1, 1960, the fair commission shall be abolished and the functions and authority of the commission relating to the Ala Wai golf course shall be transferred to the city and county of Honolulu as provided by section 29 of this Act.

The functions and authority heretofore exercised by the commissioner and board of public lands (including the hydrography division and the bureau of conveyances), the Hawaii water authority, the commission on ground-water resources, the Hawaii land development authority and the commission on historical sites and the function of managing the state parks heretofore exercised by the board of commissioners of agriculture and forestry as heretofore constituted are hereby transferred to the department of land and natural resources established by this Act.

On July 1, 1962, the department of land and natural resources as established by this Act shall be abolished and the functions and authority of the department shall be transferred to the department of agriculture and natural resources, as provided by section 23 of this Act.

SECTION 22. **Department of agriculture and conservation.** The department of agriculture and conservation shall be headed by an executive board to be known as the board of agriculture and conservation.

The board shall appoint and may remove an executive officer to be known as the director of agriculture and conservation.

The composition of the board shall be as heretofore provided by law for the board of commissioners of agriculture and forestry existing immediately prior to the effective date of this Act with the addition of the director of agriculture and conservation who shall be an ex officio voting member of the board and the chairman of the board of land and natural resources and the director of land and natural resources who shall be ex officio non-voting members.

The department shall promote the conservation, development and utilization of agricultural, forest, fish and game resources of the state; and administer the programs of the state relating to animal husbandry,

entomology, soil conservation and enforcement of the rules and regulations on the grading and labeling of agricultural products.

The functions and authority heretofore exercised by the board of commissioners of agriculture and forestry (except the establishment of rules and regulations on the grading and labeling of agricultural products transferred to the department of economic development and the management of state parks transferred to the department of land and natural resources) and the Hawaii soil conservation committee as heretofore constituted are hereby transferred to the department of agriculture and conservation established by this Act.

On July 1, 1962, the department of agriculture and conservation as established by this Act shall be abolished and the functions and authority of the department shall be transferred to the department of agriculture and natural resources as provided by Section 23 of this Act.

SECTION 23. **Department of agriculture and natural resources.** On July 1, 1962, the department of agriculture and natural resources shall be established and the department of land and natural resources and the department of agriculture and conservation as established by this Act shall be abolished.

The department of agriculture and natural resources shall be headed by an executive board to be known as the board of agriculture and natural resources.

The board shall appoint and may remove an executive officer to be known as the director of agriculture and natural resources.

The board shall consist of nine members, one from each senatorial district and three at large, and the director of agriculture and natural resources as an ex officio non-voting member.

The department shall administer the public domain of the state, including land, water, minerals, fish, forestry and game, and programs for the conservation and development of these resources in the public interest.

On July 1, 1962, the functions and authority theretofore exercised by the department of land and natural resources and the department of agriculture and conservation shall be transferred to the department of agriculture and natural resources then established by this Act. The governor shall submit to the legislature twenty days before the regular session in 1961 convenes, such bills as may be necessary to effectuate such transfer and the establishment of subdivisions or bureaus within the department of agriculture and natural resources, and shall include the department in his budget recommendation to the regular session in 1962.

SECTION 24. **Department of Hawaiian home lands.** The department of Hawaiian home lands shall be headed by an executive board to be known as the Hawaiian homes commission.

The composition of the commission and its functions, duties and powers shall be as heretofore provided by law for the Hawaiian homes commission existing immediately prior to the effective date of this Act.

The commission shall appoint and may remove an executive officer to be known as the director of Hawaiian home lands.

The department shall administer the Hawaiian homes commission act as set forth in the constitution of the state of Hawaii and by law.

The functions and authority heretofore exercised by the Hawaiian homes commission as heretofore constituted are hereby transferred to the department of Hawaiian home lands established by this Act.

SECTION 25. **Department of economic development.** The department of economic development shall be headed by a single executive to be known as the director of economic development.

The department shall encourage the development and promotion of the products of agriculture, industry and tourism, through the gathering and dissemination of information of use to enterprisers, the offering of expert consultative services, the planning of fairs, the administering of farm and business credit programs and other programs established by law.

There shall be within the department of economic development a commission to be known as the board of economic development which shall sit in an advisory capacity to the director of economic development on matters within the jurisdiction of the department of economic development. The board shall consist of nine members, one from each senatorial district and three at large.

The functions and authority heretofore exercised by the board of commissioners of agriculture and forestry with respect to the establishment of rules and regulations on the grading and labeling of agricultural products, the farm loan board, the economic planning and coordination authority (except the research function transferred to the department of planning and research), the planning office created by Act 150, Session Laws of Hawaii 1957 with respect to tourism development as described in section 4 of Act 150, and the fair commission of Hawaii with respect to the planning of fairs are hereby transferred to the department of economic development established by this Act.

SECTION 26. **Department of transportation.** The department of transportation shall be headed by a single executive to be known as the director of transportation.

The department shall establish, maintain and operate transportation facilities of the state, including highways, airports, harbors and such other transportation facilities and activities as may be authorized by law.

The Hawaii aeronautics commission is hereby placed within the department of transportation for administrative purposes. The functions, duties and powers, subject to the administrative control of the director of transportation, and the composition of the commission shall be as heretofore provided by law. The director of transportation shall be an ex officio voting member of the commission.

The board of harbor commissioners is hereby placed within the department of transportation for administrative purposes. The functions, duties and powers, subject to the administrative control of the director of transportation, and the composition of the board shall be as heretofore provided by law. The director of transportation shall be an ex officio voting member and chairman of the board.

There shall be within the department of transportation a commission to be known as the highway commission which shall sit in an advisory capacity to the director of transportation with respect to matters within the jurisdiction of the department of transportation relating to highways. The commission shall consist of nine members, one from each senatorial

district and two at large and the director of transportation as an ex officio voting member.

The functions and authority heretofore exercised by the department of public works with respect to highways are hereby transferred to the department of transportation established by this Act.

On July 1, 1961, the Hawaii aeronautics commission, the board of harbor commissioners and the highway commission shall be abolished and their remaining functions, duties and powers shall be transferred to the department of transportation.

The governor shall submit to the legislature twenty days before the regular session in 1961 convenes, such bills as may be necessary to effectuate such transfer and the establishment of subdivisions or bureaus within the department, together with a budget recommendation.

Upon the abolishment of the Hawaii aeronautics commission, the board of harbor commissioners and the highway commission, there shall be established within the department of transportation a commission to be known as the commission on transportation which shall sit in an advisory capacity to the director of transportation on matters within the jurisdiction of the department of transportation. The commission on transportation shall consist of nine members, one from each senatorial district and three at large.

SECTION 27. **Department of labor and industrial relations.** The department of labor and industrial relations shall be headed by a single executive to be known as the director of labor and industrial relations.

The department shall administer programs designed to increase the economic security, physical and economic well-being, and productivity of workers, and to achieve good labor-management relations, including the administration of workmen's compensation, employment security, apprenticeship training, wage and hour, and industrial relations laws.

There shall be within the department of labor and industrial relations a committee to be known as the advisory committee on labor and industrial relations which shall sit in an advisory capacity to the director of labor and industrial relations on matters within the jurisdiction of the department of labor and industrial relations. The advisory committee shall consist of an equal number of representatives from labor, from management, and from the public, appointed by the director who shall designate one of the public members as chairman.

The labor and industrial relations appeal board and the industrial accident boards provided for in chapters 88 and 97 of the Revised Laws of Hawaii 1955, as amended, are hereby placed within the department of labor and industrial relations for administrative purposes. The respective functions, duties and powers, subject to the administrative control of the director of labor and industrial relations, and the composition of each board shall be as heretofore provided by law.

There shall be within the department of labor and industrial relations a commission to be known as the Hawaii employment relations board. Such board shall consist of five members. Two of the members shall be representatives from labor, two from management and one from the public. One labor member and one management member shall be from the city and county of Honolulu, and one labor and one management member shall be from outside the city and county of Honolulu. Such

board shall exercise powers and duties in accordance with the Hawaii employment relations act, chapter 90 of the Revised Laws of Hawaii 1955, as amended. The director shall have general administrative supervision over the board, but shall not have the power to supervise or control the board in the exercise of its powers or duties under the Hawaii employment relations act. The board may appoint a hearings officer or officers as required to perform its responsibilities.

The functions of mediation heretofore exercised by the commission of labor and industrial relations existing immediately prior to the effective date of this Act, as provided in section 88-16 of the Revised Laws of Hawaii 1955, as amended, shall be exercised by the governor or his designated agents.

The director may establish within the department of labor and industrial relations a committee to be known as the apprenticeship council which shall sit in an advisory capacity to the director of labor and industrial relations on matters within the jurisdiction of the department of labor and industrial relations relating to apprenticeship programs. The membership and organization of the council shall be determined by the director.

The functions and authority heretofore exercised by the department of labor and industrial relations, Hawaii employment relations board and apprenticeship council as heretofore constituted are hereby transferred to the department of labor and industrial relations established by this Act in accordance with the provisions hereof.

SECTION 28. **Department of defense.** The department of defense shall be headed by a single executive to be known as the adjutant general. The adjutant general shall also be the director of civil defense.

There shall be a full-time vice director of civil defense who shall be appointed and may be removed by the director.

The department shall be responsible for the defense of the state and its people from mass violence, originating from either human or natural causes.

The devolution of command of the military forces in the absence of the adjutant general shall be within the military establishment. The devolution of command of the civil defense agency in the absence of the director of civil defense shall be within the civil defense agency.

There shall be within the department of defense a commission to be known as the civil defense advisory council which shall sit in an advisory capacity to the director of civil defense on matters pertaining to civil defense. The composition of the commission shall be as heretofore provided by law for the civil defense advisory council existing immediately prior to the effective date of this Act.

The functions and authority heretofore exercised by the military department and the civil defense agency as heretofore constituted are hereby transferred to the department of defense established by this Act.

SECTION 29. **Fair commission.** Effective September 1, 1960, the fair commission of Hawaii shall be abolished and the functions and authority of the fair commission of Hawaii relating to the Ala Wai golf course shall be transferred to the city and county of Honolulu, together with the use and control of all lands, property and facilities under its jurisdiction; provided, that such lands, property and facilities shall be

used solely for the purposes of operating a municipal golf course; and provided further, that the governor may by executive order transfer the use and control of such lands, property and facilities to the appropriate department of the state designated by the governor upon the giving of one year's written notice before the date of such transfer back to the state to the city and county of Honolulu.

Effective September 1, 1960, all personnel employed by the fair commission of Hawaii at the Ala Wai golf course shall be transferred to the city and county of Honolulu and shall acquire city and county civil service status without loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges as a consequence of such transfer; provided, that subsequent changes in status may be made pursuant to personnel laws of the city and county of Honolulu.

Any other provision herein to the contrary notwithstanding, no contract entered into by either the state or fair commission of Hawaii and in existence as of October 1, 1959, and relating to golf, barber and food concessions and the public links golf association at the Ala Wai golf course shall be impaired as a consequence of the provisions herein and the city and county shall succeed to all rights and obligations of the state or fair commission of Hawaii in such contracts upon the transfer of such lands, property and facilities to the city and county of Honolulu. No additional contract entered into after October 1, 1959, shall extend beyond August 31, 1960.

SECTION 30. **Temporary boards and commissions.** The governor may establish such temporary boards and commissions as he may deem necessary to gather information or furnish advice for the executive branch. He may prescribe their organization, functions and authority. A temporary board or commission shall not remain in existence for a term extending beyond the last day of the second regular session of the legislature after the date of its establishment or beyond the period required to receive federal grants-in-aid, whichever occurs later, unless extended by concurrent resolution of the legislature.

All members of temporary boards and commissions shall serve without pay, but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of duties and responsibilities. Such reimbursement for expenses shall be from the governor's contingent fund.

SECTION 31. **Transfer of functions.** Whenever the functions of a previously existing department, office or other agency are transferred to any department established by this Act, the newly established department shall succeed to all of the rights and powers exercised, and all of the duties and obligations incurred by the previously existing department, office or agency in the exercise of the functions transferred, whether such powers, duties and obligations are mentioned in or granted by any law, contract or other document. All references in any such law, contract or document to such previously existing department, office or agency in connection with the functions transferred shall apply to the newly established department as if the latter were specifically named in such law, contract or document in place of the previously existing department, office or agency.

SECTION 32. **Transfer of personnel.** All officers and employees whose functions are transferred by this Act shall be transferred with their functions to the department in which their functions, or a major part thereof, have been transferred, and shall continue to perform their regular duties upon their transfer, subject to the provisions of state personnel laws and of this Act.

No employee of the state having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefit or privilege as a consequence of this Act; provided that subsequent changes in status may be made pursuant to chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended.

An employee of the state who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges and without the necessity of examination; provided, that such employee or officer possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by any officer or employee having tenure is abolished, such officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the state with the same pay and classification and shall be transferred to some other office or position for which such officer or employee is eligible under the personnel laws of the state as determined by the head of the department or the governor.

SECTION 33. **Transfer of records, equipment, appropriation and other property.** Upon the transfer of functions of any previously existing department, office or other agency as provided by this Act, all records, equipment, files, supplies, contracts, books, papers, documents, maps, appropriations and other property theretofore made, used, acquired or held by any such previously existing department, office or agency in the exercise of the functions transferred shall be transferred under the direction of the governor to the department succeeding to such functions.

SECTION 34. **Surety bonds.** The head of a department or office and subordinate officials shall furnish surety bonds in such instances and in such amounts as required by law or determined by the governor. The payments for such bonds shall be made by the state government and the bonds shall be in such form as the attorney general shall approve.

SECTION 35. **Prosecutions and civil actions.** No offense committed and no penalty or forfeiture incurred under the act shall be affected by this Act, provided, that whenever any punishment, penalty, or forfeiture is mitigated by any provision of this Act, such provision may be extended and applied to any judgment pronounced after the passage of this Act. No suit or prosecution pending at the time this Act takes effect shall be affected by this Act. The right of any administrative officer to institute proceedings for prosecution for an offense or an action to recover a penalty or forfeiture shall henceforth be vested in the head of the department or some person designated by the head of the department or as may be directed by law.

SECTION 36. **Appeals.** The right of appeal from administrative

actions or determinations as provided by law shall not be impaired by this Act.

Except as otherwise provided by this Act, wherever a right of appeal from administrative actions or determinations is provided by law to or from any officer, board, department, bureau, commission, administrative agency or instrumentality of the state which, or any of the functions of which, is transferred by this Act to a department established by this Act, such right of appeal shall lie to or from the department, or the subdivision, bureau or officer of the department, to which such transfer is made. Such right of appeal shall exist to the same extent and in accordance with the procedures as immediately prior to the effective date of this Act.

If the provisions of the preceding paragraph relating to appeals cannot be effected by reason of the abolishment, splitting or shifting of functions or otherwise, the right of appeal shall lie to the circuit courts of the state pursuant to the Hawaii Rules of Civil Procedure.

SECTION 37. **Assignment of functions.** Any executive or administrative function of the state government that may not have been allocated to a principal department by this Act shall be assigned by the governor to that department which he deems can most appropriately and effectively perform such function.

Any other provision of this Act to the contrary notwithstanding, the functions and powers of the police and liquor commissions of the respective counties as provided in chapters 145, 150 and 159 of the Revised Laws of Hawaii 1955, as amended, shall not be assigned by the governor to any department established by this Act.

SECTION 38. **Agencies and offices abolished.** The following agencies and offices and their respective boards and commissions as heretofore constituted are hereby abolished: Board of commissioners of agriculture and forestry, bureau of the budget, commission on children and youth, economic planning and coordination authority, board of commissioners of public archives, territorial planning office, Hawaii development council, department of public works, territorial highway department, treasury department, office of the tax commissioner, tax appeal court, boards of (tax) review, comptroller, high sheriff, territorial loyalty board, board of health, department of institutions, advisory boards on institutions, territorial hospital and Waimano home appeal commission, bureau of sight conservation and work with the blind, department of public welfare, public welfare board, council on veterans' affairs, library of Hawaii, Hawaii county library managing board, Maui county libraries managing board, board of public lands, commissioner of public lands, territorial surveyor, bureau of conveyances, hydrographer, board of appraisers, territorial commission on historical sites, Hawaii water authority, Hawaii soil conservation committee, farm loan board of Hawaii, airport zoning board, commission of labor and industrial relations, department of labor and industrial relations, Hawaii employment relations board, apprenticeship council, military department, civil defense agency, civil defense advisory council, board of prison inspectors, dental health advisory committee, territorial advisory committee for hospitals and medical care, fishery advisory committees, voting machine board, disposal committee, board of disposal, commission on ground water resources, Hawaii land development authority, department of attorney

general, commission to promote uniform legislation, department of civil service, civil service commission, department of public instruction, board of commissioners of public instruction, university of Hawaii, board of regents of the university of Hawaii, and Hawaii homes commission.

The following agencies and offices and their respective boards and commissions shall expire at such time provided in this Act: Kauai county libraries managing board, Hawaii aeronautics commission, board of harbor commissioners, and fair commission of Hawaii.

SECTION 39. **Federal aid, bond obligations; not impaired.** It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the state or any agency thereof to the holders of any bond issued by the state or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor is authorized and empowered to modify the strict provisions of this Act, but shall promptly report any such modification with his reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 40. **Schedule for reorganization.** The governor shall appoint the heads of departments and assign the various functions as hereinabove provided by the first day of the regular legislative session of 1960. This assignment of functions shall be by executive order and shall consist of a realignment of authority and responsibility in accord with the terms of this Act and need not necessarily involve the movement of personnel or equipment, the establishment of any subdivision or bureau within a department, the revision of any job description, or other detailed matter related to the internal operation of any new department.

Provided that the implementation of the first paragraph above may, at the option of the governor, be delayed until the tenth day of the regular session of 1961 in the case of the Department of Planning and Research and the University of Hawaii if such delay is legally necessary to allow the present director of planning and president of the University of Hawaii to continue to hold their positions. Provided further that where the transfer or assignment of any particular function or functions within a department presents special and particular administrative or legal difficulties, the governor may delay the effective date of that particular transfer until July 1, 1960, and shall present the reasons therefor to the 1960 regular session. The allocation of all functions effective during the fiscal year starting July 1, 1960, shall be reflected in the governor's budget recommendations which will be submitted 20 days prior to the regular session of 1960.

The governor shall commence with the establishment of subdivisions or bureaus within the departments, and he shall submit to the legislature twenty days before the regular session in 1960 convenes, such bills as he may then have prepared, in the form of amendments to the Revised Laws of Hawaii 1955, as amended, which will implement the terms of this Act and the allocation of functions and duties among the subdivisions or bureaus within the departments.

The establishment of such subdivisions or bureaus shall be completed by the tenth day of the regular session of 1961, and the governor shall submit to the legislature twenty days before the regular session in 1961 convenes, such additional bills as may be necessary to the reorganiza-

tion of the state government under this Act, together with a budget recommendation.

SECTION 41. **Continuity of administration.** Notwithstanding anything in this Act to the contrary, the abolition or transfer of any officer, board, department, bureau, commission, administrative agency or instrumentality of the state, or of any function thereof, provided by this Act, shall be accomplished within the time specified in section 40 by executive order or orders issued by the governor.

Until so abolished or transferred, each officer, board, department, bureau, commission, administrative agency or instrumentality of the state shall continue to discharge its duties and functions with the same personnel and to the same extent as immediately prior to the effective date of this Act.

SECTION 42. **Amendment of conflicting laws.** All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during this special session 1959, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that the Hawaii State Government Reorganization Act of 1959 is being amended.

SECTION 43. **Construction; separability.** This Act shall be liberally construed in order to accomplish the purposes set forth in section 1. Any portion of this Act judicially declared to be invalid shall not affect the remaining portions.

SECTION 44. **Appropriation.** The sum of $41,500 or so much thereof as may be necessary is hereby appropriated to be expended by the budget bureau under the direction of the governor to effectuate the purposes of this Act. The budget bureau shall allocate any part of such appropriation for the salaries of single executives who are heads of departments and their personal staff, and for their equipment and supplies for whom and for which no other provision is made. The personal staff may be employed without regard to the provisions of chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended. The salary of any such single executive shall be set by the governor, but at not more than $17,500 per annum. The amount of such salary, staff and equipment shall be subject to review by the legislature.

SECTION 45. **Effective date.** This Act shall take effect upon its approval.

(Approved November 25, 1959.) **H.B. 1.**

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# THE ADMISSION ACT

# PUBLIC LAW 86-3

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# STATE CONSTITUTION

# THE ADMISSION ACT

## PUBLIC LAW 86-3, 86TH CONGRESS

An Act to Provide for the Admission of the State of Hawaii into the Union.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 7(c) of this Act, the State of Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor", approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1950, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

SEC. 2. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island) or Kingman Reef, together with their appurtenant reefs and territorial waters.

SEC. 3. The constitution of the State of Hawaii shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

SEC. 4. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided,* That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be

made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

SEC. 5. (a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States.

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the mak-

ing of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

(g) As used in this Act, the term "lands and other properties" includes public lands and other public property, and the term "public lands and other public property" means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or properties so ceded.

(h) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of Hawaii or its political subdivisions pursuant to subsection (a), (b), or (e) of this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of Hawaii into the Union.

(i) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) and the Outer Continental Shelf Lands Act of 1953 (Public Law 212, Eighty-third Congress, first session, 67 Stat. 462) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

SEC. 6. As soon as possible after the enactment of this Act, it shall be the duty of the President of the United States to certify such fact to the Governor of the Territory of Hawaii. Thereupon the Governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue his proclamation for the elections, as hereinafter provided, for officers of all State elective offices provided for by the constitution of the proposed State of Hawaii, and for two Senators and one Representative in Congress. In the first election of Senators from said State the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No identification or designation of either of the two senatorial offices, however, shall refer to or be taken to refer to the term of that office, nor shall any such identification or designation in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

SEC. 7. (a) The proclamation of the Governor of Hawaii required by section 6 shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in section 6 shall be chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Hawaii for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Hawaii may prescribe. The Governor of Hawaii shall certify the results

of said elections, as so ascertained, to the President of the United States.

(b) At an election designated by proclamation of the Governor of Hawaii, which may be either the primary or the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:

"(1) Shall Hawaii immediately be admitted into the Union as a State?

"(2) The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved ....., and all claims
(Date of approval of this Act)
of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(3) All provisions of the Act of Congress approved .....
(Date of approval of this Act)
reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people."

In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Hawaii, ratified by the people at the election held on November 7, 1950, shall be deemed amended as follows: Section 1 of article XIII of said proposed constitution shall be deemed amended so as to contain the language of section 2 of this Act in lieu of any other language; article XI shall be deemed to include the provisions of section 4 of this Act; and section 8 of article XIV shall be deemed amended so as to contain the language of the third proposition above stated in lieu of any other language, and section 10 of article XVI shall be deemed amended by inserting the words "at which officers for all state elective offices provided for by this constitution and two Senators and one Representative in Congress shall be nominated and elected" in lieu of the words "at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two Senators and two Representatives to the Congress, and unless and until otherwise required by law, said Representatives shall be elected at large".

In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall cease to be effective.

The Governor of Hawaii is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Hawaii, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Hawaii, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 6 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Hawaii

shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, the persons holding legislative, executive, and judicial office in, under, or by authority of the government of said Territory, and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in, under, or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

SEC. 8. The State of Hawaii upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided,* That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13), nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

SEC. 9. Effective upon the admission of the State of Hawaii into the Union—

(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided, however,* That the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

(c) subsection (a) of section 134 of title 28, United States Code, is amended by striking out the words "Hawaii and". The second sentence of the same section is amended by striking out the words "Hawaii and", "six and", and "respectively".

SEC. 10. Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words "including the district courts of the United States for the districts of Hawaii and Puerto Rico," and inserting

in lieu thereof the words "including the United States District for the District of Puerto Rico,".

SEC. 11. Effective upon the admission of the State of Hawaii into the Union—

(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

(b) the first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words ", except in the district of Hawaii, where the term shall be six years";

(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words ", except in the district of Hawaii where the term shall be six years "; and

(d) subsection (d) of section 541 of title 28, United States Code is repealed.

SEC. 12. No writ, action, indictment, cause, or proceeding pending in any court of the Territory of Hawaii or in the United States District court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no writ, action, indictment, cause or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such writ, action, indictment, cause or proceeding shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no writ, action, indictment or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

SEC. 13. Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether

or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

SEC. 14. Effective upon the admission of the State of Hawaii into the Union—

(a) title 28, United States Code, section 1252, is amended by striking out "Hawaii and" from the clause relating to courts of record;

(b) title 28, United States Code, section 1293, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof "supreme court of Puerto Rico";

(c) title 28, United States Code, section 1294, as amended, is further amended by striking out paragraph (4) thereof and by renumbering paragraphs (5) and (6) accordingly;

(d) the first paragraph of section 373 of title 28, United States Code, as amended, is further amended by striking out the words "United States District Courts for the districts of Hawaii or Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Peurto Rico,"; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii": *Provided,* That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: *And provided further,* That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in office as a district judge for the District of Hawaii on the date of enactment of this Act;

(e) section 92 of the Act of April 30, 1900 (ch. 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;

(f) section 86 of the Act approved April 30, 1900 (ch. 339, 31 Stat. 158), as amended, is repealed;

(g) section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section

the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico";

(h) section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico";

(i) section 91 of title 28, United States Code, as heretofore amended, is further amended by inserting after "Kure Island" and before "Baker Island" the words "Palmyra Island,"; and

(j) the Act of June 15, 1950 (64 Stat. 217; 48 U.S.C., sec. 644a), is amended by inserting after "Kure Island" and before "Baker Island" the words "Palmyra Island,".

SEC. 15. All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as provided in section 4 of this Act with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States: *Provided*, That, except as herein otherwise provided, a Territorial law enacted by the Congress shall be terminated two years after the date of admission of the State of Hawaii into the Union or upon the effective date of any law enacted by the State of Hawaii which amends or repeals it, whichever may occur first. As used in this section, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Hawaii) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Hawaii prior to its admission into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Hawaii at the time of its admission into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provision of this Act.

SEC. 16. (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section 1 of the Act of April 19, 1930 (46 Stat. 227), and saving, further, to persons then or thereafter residing within such area the right to vote at all elections held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may now belong to, or which may hereafter be acquired by, the United States.

(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States

of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are controlled or owned by the United States and held for Defense or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided,* (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for Defense or Coast Guard purposes: *Provided, however,* That the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been heretofore or hereafter determined to be critical areas as delineated by the President of the United States and/or the Secretary of Defense.

SEC. 17. The next to last sentence of the first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) as amended by section 19 of the Act of July 7, 1958, (72 Stat. 339, 350) is amended by inserting after the word "Alaska" the words "or Hawaii."

SEC. 18. (a) Nothing contained in this Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, or possessions, or is conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

(b) Effective on the admission of the State of Hawaii into the Union—

(1) the first sentence of section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1156), is amended by inserting before the words "an island possession or island territory", the words "the State of Hawaii, or";

(2) section 605(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1175), is amended by inserting before the words "an island possession or island territory", the words "the State of Hawaii, or"; and

(3) the second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1204), is amended by inserting before the

words "an island possession or island territory" the words "the State of Hawaii, or".

SEC. 19. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, or restore nationality heretofore lost under any law of the United States or under any treaty to which the United States is or was a party.

SEC. 20. (a) Section 101(a)(36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C., sec. 1101(a)(36)) is amended by deleting the word "Hawaii,".

(b) Section 212(d)(7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C. 1182(d)(7)) is amended by deleting from the first sentence thereof the word "Hawaii," and by deleting the proviso to said first sentence.

(c) The first sentence of section 310(a) of the Immigration and Nationality Act, as amended (66 Stat. 239, 8 U.S.C. 1421(a), 72 Stat. 351) is further amended by deleting the words "for the Territory of Hawaii, and".

(d) Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 305 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1405).

SEC. 21. Effective upon the admission of the State of Hawaii into the Union, section 3, subsection (b), of the Act of September 7, 1957 (71 Stat. 629), is amended by substituting the words "State of Hawaii" for the words "Territory of Hawaii".

SEC. 22 If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word in other circumstances shall not be affected thereby.

SEC. 23. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

**(Approved March 18, 1959.) S. 50.**

# Constitution of the State of Hawaii

## PREAMBLE

We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii.

## FEDERAL CONSTITUTION ADOPTED

The Constitution of the United States of America is adopted on behalf of the people of the State of Hawaii.

## ARTICLE I

## BILL OF RIGHTS

**Political Power**

SECTION 1. All political power of this State is inherent in the people; and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

**Rights of Man**

SECTION 2. All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

**Freedom of Religion, Speech, Press, Assembly and Petition**

SECTION 3. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

**Due Process and Equal Protection**

SECTION 4. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

**Searches and Seizures**

SECTION 5. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

**Rights of Citizens**

SECTION 6. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

**Enlistment, Segregation**

SECTION 7. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

**Indictment, Trial by Jury, Criminal Cases**

SECTION 8. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against himself.

**Bail, Excessive Punishment**

SECTION 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

**Trial by Jury, Civil Cases**

SECTION 10. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

**Rights of Accused**

SECTION 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

**Jury Service**

SECTION 12. No person shall be disqualified to serve as a juror because of sex.

**Habeas Corpus and Suspension of Laws**

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.

**Supremacy of Civil Power**

SECTION 14. The military shall be held in strict subordination to the civil power.

**Right to Bear Arms**

SECTION 15. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**Quartering of Soldiers**

SECTION 16. No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

**Imprisonment For Debt**

SECTION 17. There shall be no imprisonment for debt.

**Eminent Domain**

SECTION 18. Private property shall not be taken for public use without just compensation.

**Limitations on Special Privileges**

SECTION 19. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

**Construction**

SECTION 20. The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

## ARTICLE II

## SUFFRAGE AND ELECTIONS

**Qualifications**

SECTION 1. Every citizen of the United States, who shall have attained the age of twenty years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election. No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.

**Disqualifications**

SECTION 2. No person who is non compos mentis and no person convicted of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

**Residence**

SECTION 3. No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

**Registration, Voting**

SECTION 4. The legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy of voting shall be preserved.

**Elections**

SECTION 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

# ARTICLE III

## THE LEGISLATURE

**Legislative Power**

SECTION 1. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

**Senate; Districts; Composition**

SECTION 2. The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: that portion of the island of Hawaii known as Puna, Hilo and Hamakua, five;

Second senatorial district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two;

Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five;

Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and Pali Road and the upper ridge of the Koolau Range from the Nuuanu Pali to Makapuu Point and all other islands not specifically enumerated, five;

Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, five; and

Sixth senatorial district: the islands of Kauai and Niihau, three.

**House of Representatives; Composition**

SECTION 3. The house of representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. Until the next reapportionment, the representative districts and the number of representatives to be elected from each shall be as set forth in the Schedule.

**Reapportionment of House**

SECTION 4. On or before June 1 of the year 1959, and of each tenth year thereafter, the governor shall reapportion the members of the house of representatives in the following manner: The total number of representatives shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member. Upon the determination of the total number of representatives to which each basic area is entitled, such total shall be reapportioned among the one or more representative

districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such representative districts and computed by the method known as the method of equal proportions, no representative district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any representative district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the house is entitled, then, as part of such reapportionment, the basic area within which such representative district lies shall be redistricted by the governor in such manner that the total number of voters registered in each new representative district therein shall be more than one-half of such quotient.

The governor shall thereupon issue a proclamation showing the results of such reapportionment, and such reapportionment shall be effective for the election of members to such house for the next five succeeding legislatures.

**Mandamus**

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter, made within thirty days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty; and made within thirty days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made in such reapportionment.

**Election of Members; Term**

SECTION 5. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

**Vacancies**

SECTION 6. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

**Qualifications of Members**

SECTION 7. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of thirty years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the State for not less than three years and be a qualified voter of the representative district from which he seeks to be elected.

**Privileges of Members**

SECTION 8. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

**Disqualifications of Members**

SECTION 9. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office", for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

**Salary and Allowances**

SECTION 10. The members of the legislature shall receive such salary and allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session, or when the legislature convenes in special session pursuant to Section 17 of this article.

**Sessions**

SECTION 11. Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State. In case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions".

**Budget Sessions**

At budget sessions the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17 of this article. The legislature may also consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of

all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

**Sessions; Commencement; Duration**

Regular sessions shall commence at 10:00 o'clock a. m., on the third Wednesday in February. General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days of any session.

**Adjournment**

SECTION 12. Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

**Organization; Discipline; Rules; Procedure**

SECTION 13. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

**Quorum; Compulsory Attendance**

SECTION 14. A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

**Bills; Enactment**

SECTION 15. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

**Passage of Bills**

SECTION 16. No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

**Approval or Veto**

SECTION 17. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time. it shall become law in like manner as if he had signed it.

**Reconsideration After Adjournment**

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

Sundays and holidays shall be excluded in computing the number of days designated in this section.

**Procedures Upon Veto**

SECTION 18. Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all members to which each house is entitled, the same shall become law.

**Punishment of Non-Members**

SECTION 19. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest or detain any witness or other person ordered to

attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

**Impeachment**

SECTION 20. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

## ARTICLE IV

## THE EXECUTIVE

**Establishment of The Executive**

SECTION 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty-five years and have been a citizen of the United States for twenty years and a resident of this State for five years next preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

**Lieutenant Governor**

SECTION 2. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

**Compensation, Governor, Lieutenant Governor**

SECTION 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than eighteen thousand dollars, and twelve thousand dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

**Succession to Governorship; Absence or Disability of Governor**

SECTION 4. When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the powers of his office until acquitted.

**Executive Powers**

SECTION 5. The governor shall be responsible for the faithful execution of the laws. He shall be commander in chief of the armed forces of the State and may call out such forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. He shall, at the beginning of each session, and may, at other times, give to the legislature information concerning the affairs of the State and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. The legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this State.

The governor shall appoint an administrative director to serve at his pleasure.

**Executive and Administrative Offices and Departments**

SECTION 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this constitution or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold office for a term to expire at the end of the term for which the governor was elected. The governor may, by and with the advice and consent of the senate, remove such single executive.

Whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. The legislature may provide for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this constitution.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission which shall, unless such appointment is confirmed, expire at the end of the next session of the senate; but the person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have failed of confirmation by the senate.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be eligible to an interim appointment thereafter to such office.

All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least three years next preceding their appointment.

# ARTICLE V

## THE JUDICIARY

**Judiciary Power**

SECTION 1. The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

**Supreme Court**

SECTION 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

**Appointment of Judges**

SECTION 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

**Qualifications**

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

**Tenure**

**Compensation**

**Retirement**

**Removal**

The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years. They shall receive for their services such compensation as may be prescribed by law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State. They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the legislature, sitting in joint session, for such causes and in such manner as may be provided by law.

**Retirement for Incapacity**

SECTION 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

**Administration**

SECTION 5. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

**Rules**

SECTION 6. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law .

## ARTICLE VI

## TAXATION AND FINANCE

**Taxing Power Inalienable**

SECTION 1. The power of taxation shall never be surrendered, suspended or contracted away.

**Taxation of Non-Resident Citizens**

SECTION 2. The land and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

**Debt Limitations**

SECTION 3. All bonds and other instruments of indebtedness issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, and bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Sixty million dollars is established as the limit of the funded debt of the State at any time outstanding and unpaid. Bonds and other instruments of indebtedness in excess of such limit may be issued when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled, provided such excess debt, at the time of authorization, would not cause the total of state indebtedness to exceed a sum equal to fifteen percent of the total of assessed values for tax rate purposes of real property in the State, as determined by the last tax assessment rolls pursuant to law.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, may be issued by the State under legislative authorization without regard to any debt limit.

A sum equal to ten percent of the total of the assessed values for tax rate purposes of real property in any political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid. The

aggregate, however, of such debts contracted by any political subdivision during a fiscal year shall not exceed two percent of the total of such assessed values in such political subdivision.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue. Interest and principal payments shall be a first charge on the general revenues of the State or political subdivision, as the case may be.

The provisions of this section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the State or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

**The Budget**

SECTION 4. Within such time prior to the opening of each regular session as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and anticipated receipts of the State for the ensuing fiscal period, together with such other information as the legislature may require. The budget shall be compiled in two parts, one setting forth all proposed operating expenditures for the ensuing fiscal period and the other, all capital improvements expenditures proposed to be undertaken during such period. The governor shall also, upon the opening of the session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each regular session.

**Legislative Appropriations; Procedure**

SECTION 5. No appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal period, to be known as the general appropriations bill, shall have been transmitted to the governor.

**Appropriations for Private Purposes Prohibited**

SECTION 6. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 3 of Article I of this constitution.

**Expenditure Controls**

SECTION 7. Provision for the control of the rate of expenditures of appropriated state moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

**Auditor**

SECTION 8. The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

## ARTICLE VII

## LOCAL GOVERNMENT

**Political Subdivisions; Creation, Powers**

SECTION 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

**Local Self-Government: Charter**

SECTION 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by law.

**Taxation and Finance**

SECTION 3. The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

**Mandates; Accrued Claims**

SECTION 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

**Statewide Laws**

SECTION 5. This article shall not limit the power of the legislature to enact laws of statewide concern.

## ARTICLE VIII

## PUBLIC HEALTH AND WELFARE

**Public Health**

SECTION 1. The State shall provide for the protection and promotion of the public health.

**Care of Handicapped**

SECTION 2. The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

**Public Assistance**

SECTION 3. The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

**Slum Clearance, Rehabilitation and Housing**

SECTION 4. The State shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of substandard areas, including housing for persons of low income.

**Public Sightliness and Good Order**

SECTION 5. The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

## ARTICLE IX

## EDUCATION

**Public Education**

SECTION 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

**Board of Education**

SECTION 2. There shall be a board of education, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor from panels submitted by local school advisory councils to be established by law. At least part of the membership of the board shall represent geographic subdivisions of the State.

**Powers of the Board of Education**

SECTION 3. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board and shall be ex officio a voting member thereof.

**University of Hawaii**

SECTION 4. The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

**Board of Regents; Powers**

SECTION 5. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The president of the university and the superintendent of public instruction shall be ex officio voting members of the board. The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.

## ARTICLE X

## CONSERVATION AND DEVELOPMENT OF RESOURCES

**Resources; Conservation, Development and Use**

SECTION 1. The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

**Natural Resources; Management and Disposition**

SECTION 2. The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

**Sea Fisheries**

SECTION 3. All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

**General Laws Required; Exceptions**

SECTION 4. The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, a political subdivision, or any department or agency thereof.

**Farm and Home Ownership**

SECTION 5. The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

## ARTICLE XI*

## HAWAIIAN HOME LANDS

**Hawaiian Homes Commission Act**

SECTION 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have been provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

**Compact with the United States**

SECTION 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

## ARTICLE XII

## ORGANIZATION, COLLECTIVE BARGAINING

**Private Employees**

SECTION 1. Persons in private employment shall have the right to organize for the purpose of collective bargaining.

**Public Employees**

SECTION 2. Persons in public employment shall have the right to organize and to present and make known their grievances and proposals to the State, or any political subdivision or any department or agency thereof.

*See item 2, Amendments to the State Constitution, page 113.

## ARTICLE XIII

## STATE BOUNDARIES, CAPITAL, FLAG

**Boundaries**

SECTION 1. The State of Hawaii shall include the islands and territorial waters heretofore constituting the Territory of Hawaii. *

**Capital**

SECTION 2. Honolulu, on the Island of Oahu, shall be the capital of the State.

**State Flag**

SECTION 3. The Hawaiian flag shall be the flag of the State.

## ARTICLE XIV

## GENERAL AND MISCELLANEOUS PROVISIONS

**Civil Service**

SECTION 1. The employment of persons in the civil service, as defined by law, of or under the State, shall be governed by the merit principle.

**Employees' Retirement System**

SECTION 2. Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

**Disqualification for Disloyalty**

SECTION 3. No person who advocates, or who aids or belongs to any party, organization or association which advocates, the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office or employment.

**Oath of Office**

SECTION 4. All public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as ..... to the best of my ability." The legislature may prescribe further oaths or affirmations.

**Intergovernmental Relations**

SECTION 5. The legislature may provide for cooperation on the part of this State and its political subdivisions with the United States, or other states and territories, or their political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.

**Federal Lands**

SECTION 6. The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of this State, in all respects as and to the extent set forth in the act or resolution providing for the admission of this State to the Union.

*See item 1, Amendments to the State Constitution, page 113.

**Compliance with Trust**

SECTION 7. Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation.

**Administration of Undisposed Lands**

SECTION 8. The lands and other property, the final determination and disposition of which shall not have been made by the Congress upon the admission of this State, shall, pending such determination and disposition, continue to be administered in accordance with the laws applicable thereto immediately prior to the admission of this State, except as the Congress may consent to any amendment of said laws, and no provision of this constitution for the exercise of powers or functions other than in accordance with such laws shall, without the consent of the Congress, apply to the lands or property so administered.*

**Federal Property, Tax Exemption**

SECTION 9. No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

**Hawaii National Park**

SECTION 10. All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

**Judicial Rights**

SECTION 11. All those provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers are consented to fully by the State and its people; and those provisions of said act or resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this constitution and the laws of the State.

**Titles, Subtitles, Personal Pronouns; Construction**

SECTION 12. Titles and subtitles shall not be used for purposes of construing this constitution.

Whenever any personal pronoun appears in this constitution, it shall be construed to mean either sex.

**General Power**

SECTION 13. The enumeration in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people.

**Provisions Self-Executing**

SECTION 14. The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

*See item 3, Amendments to the State Constitution, page 114.

# ARTICLE XV

## REVISION AND AMENDMENT

**Methods of Proposal**

SECTION 1. Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature.

**Constitutional Convention**

SECTION 2. The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

**Election of Delegates**

If a majority of the ballots cast upon such question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XIV, any qualified voter of the district concerned shall be eligible to membership in the convention.

Unless the legislature shall otherwise provide, there shall be the same number of delegates to such convention, who shall be elected from the same areas, and the convention shall be convened in the same manner, as nearly as practicable, as required for the Hawaii State Constitutional Convention of 1950.

**Organization; Procedure**

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

**Ratification; Appropriations**

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all of the votes tallied upon the question, such majority constituting at least thirty-five percent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least thirty-five percent of the total number of registered voters; provided, that no constitutional amendment altering this proviso or the representation from any senatorial district in the senate shall become effective unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation.

**Amendments Proposed by Legislature**

SECTION 3. The legislature may propose amendments to the constitution by adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading at any session, after either or both houses shall have given the governor at least ten days' written notice of the final form of the proposed amendment, or, with or without such notice, by a majority vote of each house on final reading at each of two successive sessions.

Upon such adoption, the proposed amendments shall be entered upon the journals, with the ayes and noes, and published once in each of four successive weeks in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months' period immediately preceding the next general election.

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in Section 2 of this article for ratification at a general election.

**Veto**

SECTION 4. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

## ARTICLE XVI

## SCHEDULE

### Representative Districts

**Description: Number of Members**

SECTION 1. As provided in Section 3 of Article III until the next reapportionment, the representative districts and the number of members to be elected from each shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna, one representative;

Second representative district: that portion of the island of Hawaii known as South Hilo, four representatives;

Third representative district: that portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau and South Kona and that portion of North Kona, for convenience herein referred to as Keauhou, more particularly described as follows: from a point at the seashore between the lands of Holualoa 1 and 2 and Puapuaa 2 running northeasterly along the boundary of Holualoa 1 and 2 to Puu Laalaau; (2) easterly in a straight line to a point called

"Naohueleelua" being the common corner of the lands of Puuanahulu, Kaohe and Keauhou 2nd; (3) southeasterly along the common boundary between Hamakua and North Kona districts to the summit of Mauna Loa; (4) westerly along the common boundary between Kau and North Kona districts to the easterly boundary of South Kona district; (5) northerly and westerly along the boundary between North and South Kona districts to the seashore; and (6) northerly along the seashore to the point of beginning, one representative;

Fifth representative district: that portion of the island of Hawaii known as Kohala and that portion of North Kona not included in the fourth representative district, one representative;

Sixth representative district: the islands of Molokai and Lanai, one representative;

Seventh representative district: the islands of Maui and Kahoolawe, five representatives;

Eighth representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: that portion of the island of Oahu known as Waialua and Wahiawa, two representatives;

Tenth representative district: that portion of the island of Oahu known as Ewa and Waianae, two representatives;

Eleventh representative district: that portion of the island of Oahu, for convenience herein referred to as Kalihi, more particularly described as follows: from the intersection of Kalihi and Auiki Streets running westerly along Auiki Street to Mokauea Street; (2) southwesterly along Mokauea Street Extension extended to a point on the outer edge of the reef; (3) westerly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (4) northerly and northeasterly along the Moanalua-Halawa boundary to the top of Koolau Range; (5) southeasterly along the top of Koolau Range to a place called "Puu Lanihuli"; (6) southwesterly along the top of the ridge between the lands of Kalihi, Kapalama and Nuuanu to Kalihi Street; and (7) southwesterly along Kalihi Street to the point of beginning, three representatives;

Twelfth representative district: that portion of the island of Oahu, for convenience herein referred to as upper Nuuanu, more particularly described as follows: from the intersection of King and Kalihi Streets running northeasterly along Kalihi Street to the ridge between the lands of Kalihi, Kapalama and Nuuanu; (2) northeasterly along the top of said ridge to a point on the Koolau Range called "Puu Lanihuli"; (3) easterly along the top of said Range to Pali Road at the Nuuanu Pali; (4) southwesterly along Pali Road to Nuuanu Avenue and southwesterly along Nuuanu Avenue to School Street; (5) northwesterly along School Street to the center line of the Kapalama Drainage Canal (Waikiki Branch); (6) southwesterly along said Canal to the center line of the main Kapalama

Drainage Canal; (7) southwesterly along said Canal to King Street; and (8) northwesterly along King Street to the point of beginning, three representatives;

Thirteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Kapalama, more particularly described as folows: from the junction of the Honolulu Harbor Channel and the reef running westerly along the outer edge of the reef to Mokauea Street Extension extended, (2) northeasterly along Mokauea Street Extension extended to Sand Island Road; (3) northeasterly along Mokauea Street Extension to Auiki Street; (4) easterly along Auiki Street to Kalihi Street; (5) northeasterly along Kalihi Street to King Street; (6) southeasterly along King Street to the center line of the main Kapalama Drainage Canal; (7) northerly along said Canal to the center line of the Kapalama Drainage Canal (Waikiki Branch); (8) northeasterly along said Canal to School Street; (9) southeasterly along School Street to Nuuanu Avenue; (10) southwesterly along Nuuanu Avenue to the sea, and (11) southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the point of beginning, three representatives;

Fourteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Pauoa, more particularly described as follows: from the junction of the Honolulu Harbor Channel and the outer edge of the reef running northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Queen Street and Nuuanu Avenue; (2) northeasterly along Nuuanu Avenue to Pali Road and northeasterly along Pali Road to the top of the Koolau Range at the Nuuanu Pali; (3) easterly and southerly along the top of the Koolau Range to a point called "Puu Konahuanui"; (4) southwesterly along the top of the ridge between the lands of Nuuanu, Pauoa and Manoa to a mountain peak called "Puu Ohia" or "Tantalus"; (5) southwesterly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive; (6) southerly along Lewalani Drive and Piikoi Street to Wilder Avenue; (7) easterly along Wilder Avenue to Punahou Street; (8) southerly along Punahou Street to King Street; (9) westerly along King Street to Kalakaua Avenue; (10) southerly along Kalakaua Avenue to the center line of the Ala Wai Canal; (11) westerly along said Canal and along the line of said Canal extended to the outer edge of the reef; and (12) westerly along the outer edge of the reef to the point of beginning, five representatives;

Fifteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Manoa and Waikiki, more particularly described as follows: from the intersection of Kalakaua Avenue and the center line of the Ala

Wai Canal running northerly along Kalakaua Avenue to King Street; (2) easterly along King Street to Punahou Street; (3) northerly along Punahou Street to Wilder Avenue; (4) westerly along Wilder Avenue to Piikoi Street; (5) northerly along Piikoi Street to Lewalani Drive; (6) northerly along Lewalani Drive to Nehoa Street; (7) northeasterly along the top of the ridge between the lands of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or "Tantalus"; (8) northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (9) southeasterly along the top of said Range to a place called "Mt. Olympus"; (10) southwesterly along the top of Waahila Ridge to the top edge of Palolo Valley; (11) southwesterly along the top edge of said Valley to the forest reserve boundary; (12) southwesterly along the southeasterly boundary of St. Louis Heights Tract, Series 2 (File Plan 464) to the southerly boundary of said Tract 100 feet southeasterly from Alencastre Street; (13) southwesterly parallel to and 100 feet from Alencastre Street and St. Louis Drive to Waialae Avenue; (14) westerly along Waialae Avenue to Kapahulu Avenue extended; (15) southerly across Waialae Avenue and along Kapahulu Avenue to Kalakaua Avenue; (16) westerly along Kapahulu Avenue extended to the outer edge of the reef; (17) northwesterly along the outer edge of the reef to a point on the line extended of the center line of the Ala Wai Canal; and (18) easterly along said line to the point of beginning, six representatives;

Sixteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Kaimuki and Kapahulu, more particularly described as follows: from a point at the seacoast at a place called "Black Point" running westerly along the seacoast to Kapahulu Avenue extended to the sea; (2) easterly across Kalakaua Avenue and easterly and northerly along Kapahulu Avenue to Waialae Avenue; (3) easterly along Waialae Avenue to a point 100 feet easterly of St. Louis Drive; (4) northeasterly across Waialae Avenue then parallel to and 100 feet from St. Louis Drive and Alencastre Street to the southerly boundary of St. Louis Heights Tract, Series 2 (File Plan No. 464); (5) northeasterly along the southeasterly boundary of said Tract to the forest reserve boundary; (6) northeasterly along the top ridge of Palolo Valley to the top of Waahila Ridge; (7) northeasterly along the top of Waahila Ridge to a point on Koolau Range called "Mt. Olympus"; (8) easterly along the top of the Koolau Range to the top of the ridge between the lands of Waialae Nui and Palolo; (9) southwesterly along the top of said ridge to a place called "Kalepeamoa"; (10) southwesterly along Mauumae Ridge to Sierra Drive; (11) southwesterly along Sierra Drive to Waialae Avenue; (12) easterly along Waialae Avenue to 13th Avenue;

(13) southwesterly along 13th Avenue and Ocean View Drive to Kilauea Avenue; (14) westerly along Kilauea Avenue to Makapuu Avenue; (15) southwesterly along Makapuu Avenue to Diamond Head Road; and (16) southeasterly along Diamond Head Road to the Military Road and along the Military Road extended to the point of beginning, four representatives;

Seventeenth representative district: that portion of the island of Oahu not included in any other representative district on the island of Oahu, together with all other islands not included in any other representative district, three representatives;

Eighteenth representative district: the islands of Kauai and Niihau, four representatives.

Wherever a roadway, or the intersection of one or more roadways, is designated as a boundary in any of the above descriptions, the center line of such roadway or intersection is intended as such boundary.

## TRANSITIONAL PROVISIONS

**Continuity of Laws**

SECTION 2. All laws in force at the time this constitution takes effect and not inconsistent therewith, including, among others, acts of the Congress relating to the lands in the possession, use and control of the Territory of Hawaii, shall be the laws of the State and remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

Except as otherwise provided by this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of this constitution, except that the State shall be the legal successor to the Territory in respect thereof, and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in the name of the State, political subdivision, person or other party entitled to do so, in all respects as fully as could have been done prior to taking effect of this constitution.

**Debts**

SECTION 3. The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State.

**Bond Acts**

SECTION 4. All acts of the legislature of the Territory authorizing the issuance of bonds by the Territory or its political subdivisions are approved, subject, however, to amendment or repeal by the legislature, and bonds may be issued by the State and its political subdivisions pursuant to said acts. Whenever in said acts the approval of the President or of the Congress is required, the approval of the governor shall suffice.

**Continuance of Officers**

SECTION 5. Except as otherwise provided by this constitution, all executive officers of the Territory or any political subdivision thereof and all judicial officers who may be in office at the time of admission of this State to the Union shall continue to exercise and discharge the powers and duties of their respective offices until their successors shall have qualified in accordance with this constitution or the laws enacted pursuant thereto.

**Lieutenant Governor; Secretary**

SECTION 6. Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory.

**Residence, other Qualifications**

SECTION 7. Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory.

**Allocation of Departments**

SECTION 8. The provisions of Section 6 of Article IV shall not be mandatory until four years from the date of admission of this State to the Union. The legislature shall within three years from said date allocate and group the executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties among and within the principal departments pursuant to said section.

If such allocation and grouping shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make such allocation and grouping.

**Condemnation of Fisheries**

SECTION 9. All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the State not otherwise appropriated.

## FIRST OFFICERS, PROCEDURES

**Elections**

SECTION 10. In case the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States whose approval thereto may be required, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two senators and two representatives to the Congress, and unless and until otherwise required by law, said representatives shall be elected at large. *

*See item 4, Amendments to the State Constitution, page 114.

**Election Procedure: Certification**

SECTION 11. Said primary election shall take place not less than sixty nor more than ninety days after said proclamation, and the final election shall take place within forty days after the primary election. Such elections shall be held and the qualifications of voters thereat shall be as prescribed by this constitution and by the laws relating to the election of members of the legislature at primary and general elections. The returns thereof shall be made, canvassed and certified in the manner prescribed by law with respect to the election for the ratification or rejection of this constitution. The governor shall thereupon certify the results thereof to the President.

**Proclamation of Admission: Assumption of Office**

SECTION 12. Upon the issuance by the President of a proclamation announcing the results of said election and the admission of this State to the Union, the officers elected and qualified shall proceed to exercise and discharge the powers and duties pertaining to their respective offices.

**Governor and Lieutenant Governor**

SECTION 13. The first governor and lieutenant governor shall hold office for a term beginning with their election and ending at noon on the first Monday in December following the second general election.

**Certification, United States Senators and Representatives**

SECTION 14. The governor of the State and secretary of state shall certify the election of the senators and representatives to the Congress in the manner required by law. For this purpose, the lieutenant governor of this State shall be deemed secretary of state.

**First Legislature: Term of Office**

SECTION 15. The terms of office of the members of the first legislature shall be as follows:

Members of the house of representatives shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Members of the senate shall be divided into two classes. The first class shall consist of the following number elected with the highest number of votes from their respective senatorial districts: first district, three; second district, one; third district, two; fourth district, three; fifth district, two; and sixth district, two. Members of the first class shall hold office for a term beginning with their election and ending on the day of the third general election held thereafter. The remaining members elected shall constitute the second class and shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

**First Session of Legislature**

SECTION 16. Ten days after the admission of this State to the Union, the legislature shall convene in special session.

**Salaries of Legislators**

SECTION 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of members of the legislature shall be as follows: the sum of two thousand five hundred dollars for each general session, the sum of one thousand five hundred dollars for each budget session and the sum of seven hundred and fifty dollars for each special session.

**Compensation of Judges**

SECTION 18. Until the legislature shall otherwise provide under Section 3 of Article V, the chief justice, justices of the supreme court and judges of the circuit courts shall receive as compensation for their services the sums of seventeen thousand five hundred dollars, seventeen thousand dollars and fifteen thousand dollars per annum, respectively, which shall, notwithstanding the provisions of Article V of this constitution, be subject to increase or decrease by the first session of the legislature.

## EFFECTIVE DATE

This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

## AMENDMENTS TO THE STATE CONSTITUTION

The Constitution of the State of Hawaii, ratified by the people at the election held on November 7, 1950, was amended or otherwise affected in the following manner when three propositions were submitted to the people in accordance with Public Law 86-3* and adopted by a majority of the legal votes cast on the submission at the primary election held on June 27, 1959.

1. Section 1 of ARTICLE XIII, STATE BOUNDARIES, CAPITAL, FLAG, was amended to contain the language of section 2 of the Admission Act, in lieu of any other language, so that it reads as follows:

   "The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act; except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters."

2. Article XI, HAWAIIAN HOME LANDS, was amended to include the provisions of Section 4 of the Admission Act", which reads as follows:

*The Admission Act: Public Law 86-3, 86th Congress, AN ACT TO PROVIDE FOR THE ADMISSION OF THE STATE OF HAWAII INTO THE UNION, Approved March 18, 1959, at Section 7(b). See page 75 of this volume.

"As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner. *Provided,* That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the 'available lands', as defined by said Act, shall be used only in carrying out the provisions of said Act."

3. Section 8 of ARTICLE XIV, GENERAL AND MISCELLANEOUS PROVISIONS, was amended to contain the language of the third proposition submitted to the people, in lieu of any other language, so that it reads as follows:

"All provisions of the Act of Congress approved March 18, 1959 reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people."

4. Section 10 of ARTICLE XVI, SCHEDULE, was amended to read as follows:

"In case the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States whose approval thereto may be required, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this constitution and two Senators and one Representative in Congress shall be nominated and elected."

# TABLES SHOWING EFFECT OF ACTS

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# GENERAL INDEX

# TABLES SHOWING EFFECT OF ACTS, FIRST LEGISLATURE FIRST AND SECOND SPECIAL SESSIONS STATE OF HAWAII

Key:

Am = Amended
R = Repealed
N = New Section
—— = Section numbers to be inserted by Revisor of Statutes in the Cumulative Supplement to the Revised Laws 1955

## A. SECTIONS OF REVISED LAWS OF HAWAII 1955, AFFECTED*

| R. L. H. 1955 Sections | Effect | Act No. |
|---|---|---|
| 2, Pt. III, Title | N | 14 |
| 2-30 to 38 | N | 14 |
| 5-70 | Am | 7 |
| 5-72 | Am | 7 |
| 11—— | N | 10 |
| 11-2 | Am | 11 |
| 11-3 | Am | 11 |
| 11-36 | Am | 9 |
| 11-39 | Am | 9 |
| 11-39.5 | N | 9 |
| 11-40 | Am | 9 |
| 11-91 | Am | 9 |
| 11-94.5 | N | 9 |
| 11-99 | Am | 8 |
| 11-109.5 | N | 9 |
| 11-180.5 | N | 9 |
| 11, Pt. VI, Title | N | 9 |
| 11-216 to 224 | N | 9 |
| 35-1 | Am | 12 |
| 35-9 | Am | 15 |
| 35-9.5 | N | 15 |
| 35-14 | R | 12 |
| 35-19 to 30 | N | 12 |
| 38-37.6 | N | 30 |
| 38-37.7 | N | 30 |
| 44-61 | Am | 20 |
| 44-62 | Am | 20 |
| 44-63 | Am | 20 |
| 44-64 | R | 20 |
| 44-65 | Am | 20 |
| 44-66 | Am | 20 |
| 44-67 | Am | 20 |
| 44-68 | Am | 20 |
| 44-69 | Am | 20 |
| 44-70 | Am | 20 |
| 44-71 | Am | 20 |
| 44-73 | N | 20 |
| 44-74 | N | 20 |
| 44-75 | N | 20 |
| 44-76 | N | 20 |
| 67-3 | Am | 1 (2d) |
| 71-2 | Am | 1 (2d) |
| 116-4 | Am | 28 |
| 121-5 (f) | Am | 29 |
| 126-3 | Am | 28 |
| 128-12 | Am | 28 |
| 128-13 (a) (2) (iii) | Am | 28 |
| 128-14 (2) | Am | 28 |
| 128-14 (3) | Am | 28 |
| 128-14.5 (b) | Am | 28 |
| 128-14.5 (e) | Am | 28 |
| 128-15 (d) | Am | 28 |
| 128-22 (c) | Am | 28 |
| 128-22(d) | Am | 28 |
| 128-22 (e) | Am | 28 |
| 128-23 | Am | 28 |
| 128-24 | Am | 28 |
| 128-27 | Am | 28 |
| 128-28 | Am | 28 |
| 128-30 | Am | 28 |
| 128-31 | Am | 28 |
| 129-2 (a) | Am | 28 |
| 129-2 (b) | Am | 28 |
| 129-2 (e) | Am | 28 |
| 136-1 to 7 | R | 14 |
| 139-1 | Am | 24 |
| 139-2 | Am | 24 |
| 139-3 | R | 24 |
| 139-4 | R | 24 |
| 139-5 | R | 24 |
| 139-6 | R | 24 |
| 139-7 | R | 24 |
| 139-8 | R | 24 |
| 139-9 | R | 24 |
| 139-10 | Am | 24 |
| 139-11 | Am | 24 |
| 140-1 | Am | 25 |
| 148-7 | N | 26 |
| 170-3 | Am | 1 (2d) |
| 213-2.5 | N | 5 |
| 213-3 | Am | 5 |
| 214-1 | Am | 5 |
| 214-2 | Am | 5 |
| 214-13 | Am | 5 |
| 214-16 | Am | 5 |
| 214-20 | Am | 5 |
| 215-29 | Am | 5 |
| 221-2 | Am | 5 |
| 221-16 | Am | 5 |
| 229-17 | Am | 5 |
| 353-14.5 | ~~Am~~ N | 2 |

*Only specific changes are included here. For changes expressed in general terms see Table E.

## B. SESSION LAWS OF HAWAII AFFECTED

| Laws 1959 Regular Session | Effect | Act No. |
|---|---|---|
| 190 | R | 20 |
| 215 | R | 4 |
| 270 (§ 1, H.V.B. appropriation) | R | 16 |

## C. SECTIONS OF THE HAWAIIAN ORGANIC ACT AFFECTED

| Sections | Effect | Act No. |
|---|---|---|
| 11 | R | 5 |
| 77A | R | 14 |
| 84 | R | 5 |

## D. OTHER FEDERAL ACTS ("TERRITORIAL LAWS" AS DEFINED IN SECTION 15 OF THE HAWAII ADMISSION ACT) AFFECTED

| Federal Acts and Subject | Effect | Act No. |
|---|---|---|
| 72 Stat. 628-Reef lands | Amended and continued as State law | 19 |

(Act 6 also affects certain federal acts by continuing certain provisions therein as state laws without termination dates. The federal provisions generally referred to appear to be parts of 39 Stat. 432, 41 Stat. 452, 44 Stat. 1087, 52 Stat. 781, and 69 Stat. 376, relating to national parks in Hawaii.)

## E. GENERAL AMENDATORY PROVISIONS

| Contained in | Subject |
|---|---|
| Act 1, § 6 (1st) | Legislative travel expenses, not limited by R.L.H. 1955, sec. 5-16 |
| Act 13 | Fiscal reports and periods, and legislative sessions changed from "biennial" to "annual" |
| Act 14, § 1 (§ 2-37) | Exception from civil service and compensation laws; certain personnel of auditor's staff |
| Act 16, § 2 | Government contracts; special contract with Hawaii Visitors Bureau authorized |
| Act 16, § 10 | Powers of agency charged with tourism development supplemented |
| Act 18, § 3 | Authority of planning office to expend funds for study of tourist destination areas |
| Act 20, § 2(o) | Issuance of University of Hawaii revenue bonds |
| Act 25, § 4 | Maui county improvement by assessment, off-street parking |
| Act 27 | Honolulu charter; personnel transfer under reorganization |
| Act 29, § 6 | Emergency farm loans |
| Act 30, § 2 | Cafeteria workers; employee benefits |
| Act 1 (2d) | State executive and administrative agencies; reorganization |

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*Act references are Act numbers of the First Special Session, 1959, unless otherwise indicated.

See also INDEX OF AGENCIES AND OFFICERS NAMED IN THE HAWAII STATE GOVERNMENT REORGANIZATION ACT OF 1959, pages 71 to 74, this volume.

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